

# **NILGA Evidence to the DAERA on the (Private Members’) Climate Change Bill for Northern Ireland**

**15<sup>th</sup> July 2021**

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**

**15<sup>th</sup> July 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 Bill is in preparation by DAERA and NILGA will also engage with the Assembly and relevant Committees on that Bill, as appropriate.

We are at a crucial point in time for our environment and it is important that we get this 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, but has concerns regarding the achievability and impact of working towards a net zero emissions target by 2045. These concerns will be outlined in more detail later in this response.

Additionally NILGA would be keen to see more attention paid to adaptation within the Bill, 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>

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.

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.

These issues will be further explored in our clause by clause commentary.

### **3.0 CLAUSE BY CLAUSE COMMENTARY**

#### **Clause 1 of the Bill legally declares a Climate Emergency in Northern Ireland.**

As noted above, 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 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 content with the wording of Clause 1, including the measures for declaring a Climate Emergency, annulling a Climate Emergency and reinstating it at a later date, as appropriate.

We are also content with the inclusion of measures to safeguard climate action over changing electoral mandates, and the requirement for ‘verifiable proof’ from one of the relevant bodies listed.

As with all declarations of ‘climate emergency’, the declaration is just the start, and is dependent on the association actions and resourcing underpinning the declaration.

#### **Clause 2: Climate Action Plan and Net Zero Target**

Northern Ireland’s New Decade, New Approach (NDNA) Agreement states “the Executive will introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord”.

NILGA notes the findings of the United Nations’ Intergovernmental Panel on Climate Change (IPCC) report<sup>1</sup>, 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, CO<sub>2</sub> emissions would have to start dropping “well before 2030” and be on a path to fall by about 45 percent by around 2030.

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<sup>1</sup> [https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15\\_SPM\\_version\\_stand\\_alone\\_LR.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf)

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, 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 livestock<sup>2</sup>, 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*

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<sup>2</sup> University of Adelaide. "Potential for reduced methane from cows." ScienceDaily. ScienceDaily, 8 July 2019. [www.sciencedaily.com/releases/2019/07/190708112514.htm](http://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.*

### **Clause 2, (6)(b)**

NILGA would be keen to ensure that references to climate resilience include adaptation in addition to minimisation, mitigation, and remedy. Given the level of 'lock-in' now likely, and the recommendations of UK CCRA3, it is vital that our population is protected. Adaptation therefore, should be specifically mentioned in Clause 2 (6)(b), for clarity and to 'tie in' with the requirements of Clause 3 (3)(d), the requirements of Section 60 of the Climate Change Act 2008 notwithstanding.

### **Clause 2, (7) and (8)**

NILGA is content with the flexibility built into Clause 2 in terms of the ability to add other gases to the list, and although we would have serious concerns in relation to the possibility of further reducing the timeline (i.e. to achieve net zero by sooner than 2045), it is acknowledged that we must be cognisant of developing scientific understanding and risks assessments, requiring this flexibility to also be available.

The involvement of both the Executive Office and DAERA in the outworking of this Bill is noted, and will be considered later in this evidence.

### **Clause 3: Climate Action Plan Contents**

*Clause 3 of the Bill requires the government to produce Climate Action Plans on a 5-yearly basis to achieve the Net Zero Target. The Climate Action Plans will:*

- *Have annual targets for net greenhouse gas emissions, water quality, soil quality and biodiversity*
- *Outline measures to achieve the target including carbon budgets and nitrogen budgets*

### **Interim targets**

NILGA is supportive of the production of Climate Action Plans, providing interim targets. Detailed consideration needs to be given to what these targets should be, and we acknowledge the inclusion of the requirements in Clause 3 (2) and (4) to this end.

Recognising the need to frontload this work, we welcome the uplift in the target suggested by the UKCCC of 48% reduction for all greenhouse gases by 2030, which closely aligns with the IPCC recommended figure.

We welcome the inclusion of water quality, soil quality and biodiversity targets.

The interim targets must consider the link between GHG reduction policies and climate adaptation, to avoid net-zero strategies causing lock-in of climate risks which would cause greater than necessary environmental, economic or social vulnerability.

NILGA would urge the NI Executive to work as a collective – using the new PfG outcomes and cross cutting ethos - to address other key issues specifically affecting Northern Ireland's ability to decarbonise and is keen to see the Department set interim targets, giving businesses and investors better information and more certainty upon which, they can base their investment decisions. We welcome the approach of setting annual reductions targets, particularly to enable a proactive approach to be taken over the coming ten years.

## **Measures**

NILGA welcomes the inclusion of measures such as carbon and nitrogen budgets; consideration and inclusion of nitrogen and ammonia reduction will be vitally important in addition to carbon. 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.

Meeting the aspirations of this Bill is not outside Northern Ireland's capabilities, but would require a deliberate change in agri-food policy, which historically has promoted unsustainable growth in livestock numbers leading to an acute ammonia problem. NILGA believes that a rethink is required; we trust that the Committee, the NI Executive and the Assembly as a whole, will work assiduously to support the farming sector and other key sectors through transition.

A sustainable agri-food policy that encouraged broader diversification within farming and availability of a wider variety of locally grown vegetables and fruits - that aspired to greater food self-sufficiency - would further reduce the carbon footprint created by the constant movement of foods globally. NILGA strongly believes that the Committee, and the Department, with the agri-food, haulage and retail sectors, must look urgently at issues of food security and supply chains.

As with our waste management targets, it will be helpful to consider where ‘quick wins’ can be made, with a focus on high impact change and use of a carbon budgeting system. Proposed changes need to be well communicated and made as easy as possible for people. Clear, sectoral targets should be set to deter any ‘allowance grabbing’ of carbon budgets.

Northern Ireland must demonstrate leadership on climate action. NILGA welcomes the relationship that the Department has established with the UK Climate Change Committee and we believe that this relationship will only increase in value in future, as we develop our regional and local approach. We look forward to participating in the ongoing conversation, with farming and other sectors. Decarbonisation must be viewed as integral to everything we do as a region.

### **Clauses 5 and 6: Office of a Climate Commissioner**

*Clauses 5 and 6 of the Bill provide for the establishment of an independent Office of a Climate Commissioner in Northern Ireland that will:*

- *Lay annual reports on progress made against the Climate Action Plans*
- *Make annual legislative reports on the effectiveness and appropriateness of the Bill*
- *Make recommendations about how the aims of the Bill are being achieved*
- *Have the power to request access to persons and documentation as required to discharge their duties*

It is the experience of NILGA that legislative provisions for reporting on issues of this nature (such as the statutory duty on sustainable development) are sometimes not well resourced, thereby limiting accountability through lack of examination, with compliance relying on the use of judicial review. It is also our experience that, particularly with the coalition format of the Northern Ireland Executive, it is not possible for one department to hold another department to account for compliance with statutory requirements. In this regard, NILGA would be supportive of proposals in relation to reporting and to a Climate Office and Commissioner, as establishing an independent monitoring and regulation office may prove useful in ensuring Northern Ireland achieves the changes necessary in the time period required.

### **Clause 9: Possible additional functions for a Climate Office**

NILGA would be supportive of having a local independent advisory body on climate change, in addition to the advice provided by the UK Committee on Climate Change.

NILGA greatly values the work of and advice from Climate NI on adaptation, and indeed we are materially involved in working with them, such as in contributing to the 'local government and civic society adapts' document (complementary to the last NICCAP report), participating in the Climate NI Steering Group and the 'LGCAN' network. They have been limited (although this has relaxed more recently) in how much attention they can give to provision of mitigation advice.

Although funded directly by DAERA, which can limit their independence and their ability to comment on government policy, the format of the Climate NI Steering Group is useful in that it brings together knowledge and advice from across the public, private (including agri-food) and third sectors, within Northern Ireland and academia from NI and further afield. It may be that the Committee could explore how to resource and strengthen Climate NI to enhance its independence and further develop the high-quality expertise it already provides, to better fulfil this advisory role on mitigation, dovetail this work with that of the proposed Climate Office or, alternatively, enable/resource the Climate Office to provide advice.

Such an enhanced Climate Office could advise the NI government and Assembly on policy and progress against energy and climate goals working with the UK Committee on Climate Change. This would include making specific energy policy, governance, and regulatory recommendations to which the Executive Office must respond, publicly explaining how and when it is taking action or giving a reason why it is not.

The Climate Office could have a policy delivery function, working with the NIHE and local authorities where necessary. It could also provide a home for energy data and associated issues.

NILGA believes that the targets the Bill sets out to achieve should be backed up by robust evidence from a funded strategic climate change research programme for NI, alongside the independent expert advice available to the NI government. This could be achieved through close partnership working between the Climate Office and an appropriate academic institution.

The Climate Office could also take a role in national citizen engagement and could consider distributional and equality issues associated with the energy and climate transition.

We have no strong views in relation to **Clauses 7, 8 and 10.**

## **Clause 11: Alteration of Climate Action Plans, Clause 12: Non-regression principle**

NILGA is supportive of Clause 11, believing that it provides the necessary flexibility to develop Northern Ireland's approach as understanding of climate change and related technology develop. NILGA is supportive of the wording within both of these clauses designed to prevent regression.

### **4.0 SPECIFIC COMMITTEE QUESTIONS**

#### **4.1 Sectoral Plans**

The Bill sets out that within the Climate Action Plans there will 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

**Do you agree with the proposal to have specific sectoral policies associated with the Climate Action Plans?**

Yes  No  Unsure

**What impact do you think that these sectoral plans will have in terms of helping to achieve the Net Zero target?**

Specific sectoral plans will enable the prioritisation of work, to focus on tackling the most serious issues, creating more impact, more quickly. The sectoral plans are likely to take a data-led approach, looking at the contribution of individual sectors to the overall greenhouse gas inventory, and identify the most cost effective and carbon effective interventions in order to guide decision making. They should assist in developing public understanding of what's necessary and the scale of change required - thereby increasing buy-in, and may assist the sectors affected in lobbying for support to tackle the issues they face.

Sectoral plans and targets help by breaking the net zero target up into individual greenhouse gas emission sectors, placing accountability on specific sectors and industries to

act and encouraging collaboration and coherence within each of these sectors. They are also likely to encourage investor confidence in zero-carbon industries, as they demonstrate a long-term commitment to decarbonisation of entire sectors.

A key part of the sectoral plans should be a reprioritisation of government activity and financial allocation, including a financial action plan for each sector to source support for those vulnerable to change (e.g. the fuel poor, farmers) as well as financing of proactive solutions (e.g. funding for electric vehicle infrastructure, hydrogen public fleet). Legislation and sectoral policy required to support the plans and achieve the targets will require prioritisation by Departments and the Assembly, e.g. contemporisation of building regulations.

### **How do you think the above sectors might be affected by the proposals?**

#### **Energy production and supply**

- Emphasis on demand reduction by engaging consumers in strategies to reduce consumption patterns using smart meters, tariff incentives, insulation, and other mechanisms. A report by the Cabinet Office in 2002 said there is the potential to save approximately 30% of final energy demand across all sectors in the UK amounting to reduced costs to customers of £12.3 billion annually.
- Energy networks will need to be strengthened (decarbonised; decentralised; digitised; democratised) with significant reduction in energy wastage.
- Greater focus on smart power principally built around interconnection, storage, and demand flexibility helping save consumers money, meet NI's carbon targets, and secure NI's energy supply for generations.
- Decommissioning of Northern Ireland's three fossil fuel generating plants at Ballylumford, Kilroot and Coolkeeragh by 2050, with any remaining facilities equipped with carbon capture, utilisation, and storage technology.
- Ban on fracking and all other fossil fuel exploration and extraction activities

#### **Transport**

- Emphasis on reducing demand for transport, through less development in open countryside, provision of regional office hubs and facilitating home working.
- Less spending on new road infrastructure and parking.
- More spending on infrastructure to make it easy for people to walk, cycle, and work remotely.
- Priority given to cyclists and buses over cars in urban centres
- More local public transport options, including rail and bus, with greater focus on multi-modal transport patterns
- Clean air / low emission zones
- Access to reliable rapid EV chargers at all petrol stations, tourist attractions etc.

- Access to reliable EV charge points on residential streets
- Cars and vans transition from diesel / petrol to electric, hydrogen or other zero-carbon fuel sources
- HGVs & Ships transition from diesel / petrol to hydrogen or other zero-carbon fuel sources
- Levies on frequent flyers to discourage international travel by air

### **Infrastructure**

- Large infrastructure projects such as bridges or new rail lines must consider embodied carbon and how to reduce it as well as extreme weather conditions likely under future climate scenarios (extreme heat, storms, heavy rainfall)
- Undergrounding of key telecommunication and electrical networks where practicable, i.e. the replacement of overhead cables providing electrical power or telecommunications, with underground cables to make them less susceptible to outages during extreme weather
- Sustainable water infrastructure achieved by ensuring water and energy efficiency, and using the best, the newest, and the most innovative solutions when investing in water infrastructure to maximise the reuse of wastewater and reduce loss of water from the system

### **Business and industrial processes**

- Carbon taxation and participation in a domestic emissions trading scheme
- Economic opportunities for businesses poised to deliver low carbon goods and services e.g., insulation companies, clean-tech companies
- Hospitality industry and tourism will get a boost as Northern Ireland seen as green leader in Europe, attracting eco-conscious travellers
- SMEs in hospitality industry save money as they save carbon, making their business more profitable
- All large-scale industrial industries must move towards a carbon neutral fuel source, with zero air pollution. This will have a cost implication for heavy industries, but due to incremental increases in carbon taxes, green fuels will become the cheaper option
- Greater pedestrianisation of urban centres, with parking tariffs and clean air zones designed to discourage travel by car. With town centres designed for people instead of cars, there will be a benefit for local businesses as people shop and socialise longer, spending more money.

### **Residential and public buildings**

- Jobs and energy savings will be delivered by retrofitting homes and buildings will be more energy efficient and use low-carbon heating, helping reduce fuel poverty and health problems over the winter caused by cold homes

- New buildings are fit for the future, efficient, resilient to extreme weather, more comfortable and cheaper to run
- Buildings become more self-sufficient through a combination of on-site renewable technology, smart controls, energy storage and rainwater harvesting
- Greater awareness about energy usage among the public leads to a change in consumption habits

### **Waste management**

- Moving towards a circular economy creates exciting new business opportunities and jobs while preventing release and removing carbon from the atmosphere
- Carbon metrics guide waste management infrastructure decisions and residual waste facilities are mandated to have a carbon capture, utilisation, and storage (CCUS) technology to ensure no release of greenhouse gases to the atmosphere
- Heat and power schemes can be developed using energy from waste technology as a key part of the circular economy, and net contributors to the local grid

### **Land use and land-use change**

- Tree planting at scale, native broadleaf species prioritised where possible
- Green infrastructure and sustainable drainage integrated into all new and existing development
- Ban on commercial peat extraction and sales
- Large scale peatland restoration
- Significantly less development in the open countryside
- Creation of more protected sites for wildlife and conservation

### **Agriculture**

- More regenerative (less-intensive) farming practices
- Diversification of farming income models from livestock towards the delivery of public goods e.g., green infrastructure, biofuels, compost
- Fewer farm waste bi-products due to greater circularity of resources
- Soybean meal for livestock replaced with microalgae-based protein
- More resilient farming sector
- Shorter food supply chains

## **4.2 Resource Implications**

**What do you think the resource implications of the Bill will be for:**

- **The Department of Agriculture, Environment and Rural Affairs**
- **The Northern Ireland Executive**
- **Specific sectors of the Northern Ireland economy?**

The scale of change required is unprecedented, and the level of financial support required is as yet unclear but likely to be in the billions. Costs to government departments will extend beyond DAERA and the Executive Office, and will also be particularly felt by Departments for Economy and Infrastructure.

To achieve the ambitious targets in the Climate Change Bill, significant resourcing will be required for the lead Department (whichever this is) and 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' 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.

**What do you think are the most important issues for the government when making funding plans to help achieve the aims of the Bill?**

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.** The Committee on Climate Change has been clear on the significant economic benefits that will be created by achieving net zero GHG emissions, stating that: “the costs of the transition (including upfront investment, ongoing running costs and costs of financing) will be less than 1% of GDP over the entirety of 2020-2050, with a net boost to GDP overall.”

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 the Climate Action Plan and Sectoral 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.

#### **4.3 Access to Specialist Advice**

The Bill proposes that the UK Climate Change Committee (UK CCC) will provide advice to the Commissioner when they report annually against the Climate Action Plans.

1. Do you think that this is appropriate?

Yes  No  Unsure

2. Are there other sources of expertise that may be needed to inform progress to achieve the Net Zero target? Please tell us the other sources of expertise.

- The Intergovernmental Panel on Climate Change (IPCC)
- The Commission may also wish to consult with other expert bodies on the island 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.

#### **4.4 Responsibility on Public Bodies**

*The Bill places obligations on a wide range of organisations to help achieve the emissions targets and it will influence policy across a number of public Departments. This includes introduction of a scheme to track carbon usage that will be overseen by the Department of Agriculture, Environment and Rural Affairs.*

#### **What are your views on the roles and responsibilities placed on public bodies as set out in the Bill? Tell us your views on the potential impact on public bodies.**

The legislation is slightly unclear and does not go far enough in placing a specific and direct obligation on Public Bodies to contribute to the achievement of the overarching climate objective. Public bodies, such as councils, will be asked to help government achieve the policy objectives, but there is no specific legislative mandate for these bodies in relation to climate action. Additionally, the cross-cutting nature of council work will render reporting of activity extremely complex in terms of the sectoral action plans.

As it stands, the Bill only requires reporting by public bodies as a function of the Climate Commissioner (clause 6). Although Public Bodies will be among a wide range of organisations contributing to the proposed carbon usage scheme, it may become a reporting exercise without any real action. Most importantly, the Bill does not include a mechanism to investigate and challenge non-compliance by individual Public Bodies. We are therefore deeply concerned that reporting under this Bill may go the same way as the reporting and accountability for the sustainable development statutory duty introduced under S25 of the Northern Ireland (Miscellaneous Provisions) Act 2006

We believe there should be provision for Public Body Climate Change Duties within the Bill, in line with Section 4 of the Climate Change (Scotland) Act 2009. Climate change duties may include:

- that a public body must, in exercising its functions, act in the way best calculated to contribute to the delivery of the decarbonisation targets set in or under this Bill; in the way best calculated to help deliver any adaptation programme laid before the NI Assembly; and in a way that it considers is most sustainable
- requiring public bodies to develop a Climate Action Plan within a specified timeframe after the Bill receives Royal Assent
- requiring public bodies to prepare reports on compliance with climate change duties

Additionally, there must be provision of guidance to relevant public bodies in relation to climate change duties and those bodies must have regard to such guidance.

Furthermore, the Bill should enable Ministers, by order, to appoint a monitoring body (e.g., the Climate Commissioner) to monitor and carry out any necessary investigations into whether relevant public bodies are:

- complying with climate change duties ·
- having regard to any guidance given under the climate change duties

NILGA would take this opportunity to note that in Scotland only those bodies defined as ‘major players’ are required to report every year.

NILGA would like to highlight that councils in Northern Ireland are keen to show leadership and have already done so in adapting to and mitigating climate change and like to report on areas of work in which they perform well. NILGA is keen to ensure that there is a ‘level playing field’ and consistent approach for all 11 councils. However, in exploring the Scottish system which introduces the ‘major players’ idea, we observe the importance of the Committee being aware of the difference between local government in Scotland and that in Northern Ireland.

We would highlight that although councils in Scotland are undoubtedly regarded as ‘major players’ their functions greatly exceed those of councils in Northern Ireland and include responsibility for social care, schools, minor roads, public transport and other activities contributing greatly to their carbon emissions. In Northern Ireland it is likely that only the very biggest councils may fall into the ‘major player’ category and NILGA would therefore value co-design of this policy with local councils, other public bodies and Climate NI to ensure that the reporting mechanism is of a bespoke design, tailored to the public sector in Northern Ireland. It may be that reporting every two years and aligned to the local government electoral cycle (four years) might be more proportionate than annual reports.

We would also highlight the Key Recommendations from the “Local Authorities and the Sixth Carbon Budget” report:

- The Sixth Carbon Budget can only be achieved if Government, regional agencies and local authorities work seamlessly together.
- Four key things are needed to achieve this vision of collaborative delivery:
  - Framework: An agreed framework for delivery for Net Zero incorporating local and national climate action
  - Financing: Appropriate long-term financing to support local authorities in delivering Net Zero

- Flexibility: Local operational flexibility around how local areas address climate change
- Facilitation: coherent policy and powers for the facilitation of delivery.

We would particularly encourage close working with councils as we collaboratively develop thinking around and implementation of EU Peace Plus funding, and would encourage DAERA to link in with the cross border networks e.g. ICBAN, who could be extremely helpful in tackling some of the issues uniquely faced by NI.

**Do you think that there should be a lead responsible government Department for delivering the aims of the Bill?**

Yes  No  Unsure

**If you think there should be a lead Department, please tell us which one and why:**

It is likely that several units from existing departments would work better if brought together as a cohesive unit (e.g. as per University of Exeter recommendations), however, NILGA is concerned that rearranging departments will build in delays and allow focus to be on structures and process, rather than delivery.

Our experience is that while on the face of it the Executive Office seems to be the logical place, the reality of this can be very different, and – for example – responsibility for sustainable development was returned to DAERA after an unsuccessful period of time as an OFMDFM responsibility. NILGA reluctantly concludes that it doesn't matter where a function of this nature sits; what matters is the priority and resourcing the issue is given by Ministers and senior civil servants. It is also again noted that at present no one department can take precedence over another or require action by another, and this has been a necessary flaw to safeguard our mandatory coalition system.

We note the recommendations of the independent review of energy governance in Northern Ireland by the University of Exeter, which argued that a new 'Department for Energy and Climate Transition' should be created, amalgamating the existing climate and energy functions of DAERA and DfE to create a larger more cohesive unit and simplify decision making. The new climate and energy transition department would be owned by, and report to The Executive Office to raise the profile of energy and climate issues and provide cross-party leadership. We also note that DfI functions were not included in this recommendation, and this is perhaps something that should be explored given the importance of emissions from transport in NI.

We are of the view that DAERA is ill-equipped at present to lead on climate change mitigation activities across government. Most greenhouse emissions lie outside the scope of

the Department's control. It also has fewer resources in comparison to the Department for Economy, for example. Additionally, DAERA has an inherent conflict of interest between environmental regulation and agricultural regulation. If climate policy and delivery remain in the same department as agriculture, the regulator could enact rules in favour of the regulated industry (in this case the agriculture industry), diminishing its effectiveness as an environmental regulator.

**What are your views on the implementation of a carbon usage-tracking scheme?  
Please tell us your views.**

We support the concept of a carbon usage-tracking scheme in principle, but reserve comment until the details of the scheme are consulted on. It will be important that there is a requirement for any organisations that directly and indirectly contribute to greenhouse gas emissions to participate in the scheme, with an enforcement mechanism contained in the Bill to tackle non-compliance.

#### **4.5 Transboundary issues**

1. What are your views on how the Bill addresses transboundary issues in relation to Climate Change?

Please tell us your views on the transboundary considerations.

2. Do you think that there should be a transboundary approach to Climate Change?

Yes  No  Unsure

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.

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. 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.

In summary, we believe the Bill does address transboundary issues in relation to Climate Change but could go further in terms of the scope and functions of the Climate Commissioner and who they work with.

#### **4.6 Rural Impact Assessment**

**Do you think it is important to assess the impact on rural communities of the proposals provided for in the Bill?**

Yes  No  Unsure

**What do you think is the best way to consider the potential rural impacts?**

**Please tell us how we should consider the rural impacts of the proposals.**

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, a detailed rural needs impact assessment will have to be carried on the proposed Bill, under the Rural Needs Act (NI) 2016, to identify the social and economic needs of 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. It could be linked to the Climate Commissioner role or an equivalent oversight body.

#### **4.7 Additional Information**

**Are there any other measures not included in the Bill that you think should be included? If so, what other measures should be included and why?**

See previous comments under Section 9 recommending the introduction of public body climate change duties into the Bill and broadening the scope of the proposed Climate Commissioner.

**Do you have any other comments you would like to make about the Climate Change Bill? If so, please tell us.**

It is noted that since the Committee Call for Evidence was issued, a progress report<sup>3</sup>, including substantive recommendations for Northern Ireland<sup>4</sup> has been published by the UK Climate Change Committee, which the Committee should consider as part of its deliberations. To meet these recommendations, a great deal of work will be required over the next two years.

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<sup>3</sup> <https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/>

<sup>4</sup> <https://www.theccc.org.uk/wp-content/uploads/2021/06/CCC-Joint-Recommendations-2021-Report-to-Parliament.pdf>