



Department of the
Environment

www.doeni.gov.uk

**Pre-Consultation seeking views on the need for a
Northern Ireland Climate Change Bill**

25 March 2013

Closing Date: 24 May 2013

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1. MINISTER'S FOREWORD

Climate change is one of the most serious threats facing the world today. The most severe consequences of the changing climate include flooding, famine, drought and the extinction of species. This global issue demands a global response –and all countries need to be part of the solution. Action by all nations to further reduce their greenhouse gas emissions is urgently needed in order to avoid extreme climatic change in the future. While Northern Ireland is unlikely to suffer these most severe consequences, as a developed nation we have a moral obligation to play our part in global emissions reduction.

There is now strong evidence and almost universal agreement that significant global warming cannot be explained just by natural variations. The debate has shifted over the last few years, from whether climate change is happening to what is causing it and what we need to do about it. There is a growing awareness that people need to “do their bit” and many are putting these good intentions into practice by making changes to their lifestyles for example taking measures to reduce their overall energy consumption. There are also many worthwhile programmes and initiatives across organisations in the public and private sectors to mitigate their greenhouse gas emissions and make their operations ‘greener’. However, as the scientific understanding of climate change has developed, it has become clear that even greater efforts need to be undertaken to reduce greenhouse gas emissions and prevent extreme long term climatic change.

The impacts of climate change have the potential to be highly significant on the lives of the people of Northern Ireland. Disruption to business, agriculture, services and our daily lives will increase if adverse changes occur. An increased risk of flooding and coastal erosion will put pressure on drainage, sewage, road and rail infrastructure, water resources and habitats. Increased temperature, increased pollution and poorer air quality may bring discomfort to the vulnerable and threaten species of animals and plants, including crops.

I therefore believe that we should do all that is possible to minimise these risks by ensuring that we take steps to significantly reduce our greenhouse gas emissions and put in place the necessary measures to allow us to adapt to the effects of the changing climate. In my view this is best achieved through the introduction of Northern Ireland climate change legislation.

It is my view that a Northern Ireland Bill would underpin efforts to present Northern Ireland as a world leader in carbon reduction - to be what we and others see as a genuinely clean and green land. A Bill would deliver a framework to suit our specific circumstances and provide the means for the Executive to demonstrate greater ambition and moral leadership on this important issue. The Bill would also provide greater clarity and the long term certainty which business and industry need, creating the environment to encourage innovation, to effectively plan and invest in the technology needed and to generate employment as we make the transition towards a low carbon economy.

This paper seeks your views on my Department's thinking on the need for a Northern Ireland Climate Change Bill. It invites comment on the value of an overall Bill in the context of its potential elements including a statutory target (or targets) to reduce greenhouse gas emissions; the creation of a new independent climate change committee; and the introduction of new statutory duties on public authorities to promote and report actions to reduce emissions and on their adaptation measures. The pre-consultation document is supported by a draft partial Regulatory Impact Assessment (partial RIA). Whilst not strictly necessary during pre-consultation, the draft partial RIA gives a broad indication of the impact of potential legislation.

A Northern Ireland Climate Change Bill would not provide the precise policy mix for achieving emissions reductions, but instead create a framework for managing the transition towards a low carbon economy. Therefore, this pre-consultation paper discusses economy wide rather than sector specific targets. It would be for each department to set and develop policies to contribute to achievement of any overall target(s) that may be agreed.

The results of this pre-consultation will help inform firm policy proposals that will be brought to the Executive for agreement. If there is Executive agreement that a Northern Ireland Climate Change Bill is appropriate my Department will then undertake a further public consultation on the final policy proposals and draft legislation.

My key goal is to benefit and protect the Northern Ireland economy, people and environment through legislation that is thoroughly considered and properly addresses the needs and ambitions of Northern Ireland.

Aleandra Attwood

Minister of the Environment

2. PURPOSE OF PRE- CONSULTATION

The purpose of this pre-consultation is to seek your views on the need for a Northern Ireland Climate Change Bill.

Invitation to respond

Your views and comments are invited on the issues set out in this pre-consultation paper and the associated draft partial impact assessment.

The pre-consultation period will close on 24 May 2013. Responses to this pre-consultation should be forwarded to reach the Department on or before that date, and should be sent by post to:

Climate Change Unit
Department of the Environment
Environmental Policy Division
6th Floor
Goodwood House
44-58 May Street
Town Parks
Belfast
BT1 4NN

Or by e-mail to climate.change@doeni.gov.uk

When you are responding please state whether you are responding as an individual or representing the views of an organisation.

It would be very helpful if you could present your views in the form of responses to the individual questions that are asked in the document. The full list of questions can be found on page 35.

Further Information

This document may be made available in alternative formats; please contact us to discuss your requirements. The Department's text phone number (028 9054 0642) has been included to assist the hearing impaired. The pre-consultation document, draft partial Regulatory Impact Assessment and a full list of consultees is published on the Department's website at:

http://www.doeni.gov.uk/index/protect_the_environment/climate_change/ni_climate_change_bill.htm

Confidentiality & Data Protection

The Department will publish a summary of responses following completion of the consultation process. If you do not want all or part of your response or name made public, please state this clearly in writing in the response by marking your response as '**CONFIDENTIAL**'. Any confidentiality disclaimer that may be generated by your organisation's IT system will be taken to apply only to information for which confidentiality has been specifically requested.

Information provided in response to this pre-consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality generated by IT system will not, of itself, be regarded as binding on the Department.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: www.ico.gov.uk or email: ni@ico.gsi.gov.uk).

3. INTRODUCTION

This pre-consultation paper seeks your views on the need for a Northern Ireland Climate Change Bill. The aim of the proposed Bill would be to establish a long-term framework for future action on climate change to drive greater efforts to reduce greenhouse gas emissions and to help ensure that Northern Ireland is better prepared to adapt to the impacts of unavoidable climate change.

The Department believes that this approach would provide business and society with a clear signal from the Northern Ireland Executive of the importance it places on tackling the issue of climate change. A Bill would also signal to the international community that Northern Ireland is serious about contributing to the global effort on climate change mitigation and adaptation by demonstrating greater ambition and moral leadership to other countries.

The Department considers that the Bill would not only help Northern Ireland as a whole to take steps to mitigate and adapt to the most harmful aspects of climate change, but would also encourage businesses, universities, colleges and others to develop innovative solutions and take advantage of the potential opportunities that will arise during the transition to a low carbon, more sustainable economy.

Views on the issue of introducing Climate Change legislation for Northern Ireland are plentiful and varied. There is wide interest in the subject with many organisations from across the spectrum of central and local government, environmental non-governmental organisations, social development organisations and bodies representing the interests of business and industry, agriculture, etc. having already expressed policy positions. There is though a general consensus among these groups that reducing greenhouse gas emissions is an important issue, however, there are differing views on how this may be achieved.

The Department values the input from all of these organisations and sees the consideration of their views as a very important aspect of creating the right set of policy proposals for any agreed Bill. In developing this pre-consultation document the Department organised a stakeholder event on 30 May 2012 to engage with a range of key stakeholders in order to canvass their views at the earliest stage of the policy development process. This included breakout sessions where groups freely discussed potential proposals for a Northern Ireland

Climate Change Bill. A summary of stakeholders' views¹ from this event is available on the Department's website and can be obtained by following the link at the foot of this page.

These views have helped to inform the Department's initial thinking on the issues included in this pre-consultation document. The Department will continue to collect evidence and engage with stakeholders throughout the policy development process to ensure that its considerations take full account of both what is needed and what is possible.

This pre-consultation is your opportunity to give your views on the issues raised including the appropriateness of legislation. A draft partial RIA has been provided to assist stakeholders in consideration of the economic/financial impacts of legislation. However, the Department would particularly appreciate evidence on the impact the introduction of the potential elements for a Bill would have on economic structure, employment, performance and competitiveness relevant to Northern Ireland.

¹http://www.doeni.gov.uk/ni_climate_change_bill_stakeholder_event_summary.pdf

4. WHY HAVE A BILL?

The UK and Scotland brought in the Climate Change Act 2008² and the Climate Change (Scotland) Act 2009³ to demonstrate a long-term political commitment to dealing with the issue of climate change. This was intended to position the respective administrations as leaders in both European and global terms. The UK Government's stated rationale for introducing a Climate Change Bill was to:

- demonstrate leadership by example to help foster collective international action;
- create a clear and coherent framework to enable the UK to meet domestic and international commitments;
- provide greater clarity and certainty for UK industry, households and individuals to effectively plan for and invest in a low carbon economy;
- maximise social and economic benefits and minimise costs to the UK as we pursue these goals; and
- help the UK towards being better adapted to the impacts of unavoidable climate change.

While Northern Ireland's greenhouse gas emissions, and therefore the impact that reductions can have from a global perspective, are relatively small (3.5% of UK emissions and 0.06% globally), there remains an argument for the introduction of domestic climate change legislation. The UK Government's rationale for introducing climate change legislation is equally valid for Northern Ireland, perhaps even more so due to our greater reliance on fossil fuels for heating and transport, and higher levels of fuel poverty. Furthermore, it could be argued that Northern Ireland is extremely well placed to take advantage of the opportunities that will accrue from the promotion of renewable energy technology and, indeed, other green technologies.

When considering the need for a Northern Ireland Climate Change Bill, the Environment Minister sought advice from the independent Committee on Climate Change, a UK-wide body established by the Climate Change Act 2008. The Committee's report, "The Appropriateness of a Northern Ireland Climate Change Act"⁴, was

²<http://www.legislation.gov.uk/ukpga/2008/27/contents>

³<http://www.legislation.gov.uk/asp/2009/12/contents>

⁴http://www.doeni.gov.uk/the_appropriateness_of_a_northern_ireland_climate_change_act.pdf

published in November 2011 and set out what it saw as the benefits of legislation.

Reinforcing the message, the Chief Executive of the Committee stated in a follow up letter⁵ that he believed that the UK Act had been crucial in at least 3 respects:

“It has ensured that emissions targets have been set through a transparent, evidence-based and analytically robust process;

It has helped develop an approach to carbon strategy that is integrated across Whitehall departments; and

It has introduced a transparent monitoring process to assess whether emissions are consistent with legislated targets, and whether appropriate actions are being undertaken to reduce future emissions.”

He went on to say:

“In considering whether legislation would be helpful in the Northern Ireland context, the key factors are whether there is currently any political uncertainty around current and future commitment to building a low carbon economy, and whether there is scope for better integration across government in developing and implementing carbon strategy.

To the extent that there are uncertainties, and there is scope for better integration, then legislation in Northern Ireland would help to signal political commitment and improve the investment climate, and would therefore complement the UK Act in providing a basis for action.”

The Environment Committee has indicated its support for climate change legislation to the Department. Full details can be found in the Environment Committee Climate Change Inquiry report^{6 7}.

A Northern Ireland Climate Change Bill could deliver a framework to suit our specific circumstances, helping to support current policies and initiatives and provide the means for the Executive to demonstrate its greater level of ambition and its moral leadership on this important issue.

⁵http://www.doeni.gov.uk/letter_adair_turner_to_alex_attwood.pdf

⁶http://archive.niassembly.gov.uk/environment/2007mandate/reports/2009/report_24_09_10r_vol1.htm

⁷ http://archive.niassembly.gov.uk/environment/2007mandate/envir_report07.htm

A Bill would also provide greater clarity and the long term certainty which business and industry need thereby creating the environment to encourage innovation, to effectively plan and invest in the technology needed and to generate employment as we make the transition towards a low carbon economy.

5. CLIMATE CHANGE CONTEXT AND BACKGROUND

The science of climate change: how it occurs

Climate change is not a simple scientific issue. The mechanisms which operate in the Earth's atmosphere are complex. This section offers a basic explanation of some of the fundamental facts.

Radiation from the sun is necessary to sustain all life on Earth. A proportion of this radiation passes through the atmosphere and warms the atmosphere and surface of the Earth. The short wavelength (visible) radiation that penetrates the atmosphere is absorbed by the surface which is heated. The warm surface then radiates some of this energy back at longer wavelengths (infra-red). Some of this outgoing infra-red heat radiation will escape into space; however some will be absorbed by greenhouse gases present in the atmosphere. The result is that part of the thermal energy re-irradiated by Earth's surface is trapped in the lower atmosphere, which heats up. The higher the concentration of a greenhouse gases in the atmosphere, the greater the proportion of longer-wave infra-red radiation that is trapped and so the greater the warming. Due to the presence of naturally occurring greenhouse gases like water vapour and carbon dioxide, this process naturally keeps the Earth's surface warmer than would be the case otherwise – an average surface temperature of +15°C as opposed to an average of -18°C without it. However, human-induced greenhouse gas emissions enhance this effect to create greater warming than would occur naturally.

Carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are the major greenhouse gases and although they occur to some extent naturally, human activities – for example in energy, transport and agriculture – can add significantly to their amounts in the atmosphere. In addition there are certain man-made gases (hydro fluorocarbons (HFCs), per fluorocarbons (PFCs) and sulphur hexafluoride (SF₆)) which are powerful greenhouse gases. These man-made gases are used in a wide range of applications such as refrigerants, solvents, fire suppressants and in industrial processes and manufacturing.

The concentration of these gases in the atmosphere has been increasing since the beginning of the industrial era. As an example, carbon dioxide concentrations in the atmosphere have increased from a range of 275 to 285 parts per million in the pre-industrial age (AD1000-

1750) to an annual average of 393 parts per million in 2012⁸ and the rate of increase is accelerating. Both carbon dioxide and methane are well above levels seen in at least the last 650,000 years.

It is now accepted by the vast majority of the scientific community that global warming is a fact and there is very high confidence that the net effect of human activities since 1750 has been one of warming. In its 4th Assessment Report in 2007, the Intergovernmental Panel on Climate Change (IPCC) stated that:

“Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level⁹.”

The report went on to say:

“Global greenhouse gas emissions due to human activities have grown since pre-industrial times, with an increase of 70% between 1970 and 2004.¹⁰”

An argument that has driven global negotiations on carbon dioxide emissions for years has been that policy-makers must prevent warming of more than two degrees Celsius to prevent disastrous climate outcomes. Analysis jointly carried out by the Committee on Climate Change and the Met Office Hadley Centre shows that reducing global emissions, which would keep global temperature rise in 2100 close to 2°C above pre-industrial levels, would reduce the chances of extreme climate change.

The concept of carbon dioxide equivalent (CO₂e)

Different greenhouse gases have specific physical and chemical properties and make different contributions to climate change. A scientific methodology has been developed to enable quantitative comparisons between the different gases.

This approach captures both the ability of the gas to absorb radiation and its residence time in the atmosphere, and enables us to determine the global warming potential (GWP) of each gas. The calculations to establish the GWP of a gas are based on its effect in the atmosphere

⁸ <http://co2now.org/>

⁹ http://www.ipcc.ch/publications_and_data/ar4/syr/en/mains1.html

¹⁰ http://www.ipcc.ch/publications_and_data/ar4/syr/en/mains2-1.html

over a 100-year period. A 100-year period was chosen as the basis for the UN Framework Convention on Climate Change to reflect the long time scale for addressing climate change. Carbon dioxide is assigned a GWP of 1 and can be used as a benchmark against which the global warming effect of other greenhouse gases can be measured.

Table 1

Greenhouse Gas	Global Warming Potential (GWP)
Carbon Dioxide (CO ₂)	1
Methane (CH ₄)	21
Nitrous Oxide (N ₂ O)	310
Hydro fluorocarbons (HFCs)	140-11,700
Per fluorocarbons (PFCs)	6,500-9,200
Sulphur hexafluoride (SF ₆)	23,900

Amounts of greenhouse gases other than CO₂ are usually expressed in the form 'carbon dioxide equivalent' (CO₂e). For example, methane (CH₄) has a GWP of 21, so 1 tonne of methane (CH₄) emitted into the atmosphere has 21 times the warming impact over 100 years compared to 1 tonne of carbon dioxide; or 1 tonne CH₄ = 21 tonnes CO₂e.

Using carbon dioxide equivalents is an effective way of assessing emissions of different greenhouse gases, and enables us to quantify the total amount of greenhouse gases emitted to the atmosphere (as CO₂e).

Global impacts of climate change

Climate change is already occurring and the consensus of scientific opinion is that it is being driven by the emissions resulting from human activities. Records of global temperature (from the UK Met Office/UEA CRU¹¹, NASA¹² and NOAA¹³) are in close agreement, showing that global average temperature has increased by approximately 0.75°C since 1900 and the last decade (2000-2009) was the warmest in the 160-year global record¹⁴. Global average sea levels are rising, with the rate of rise increasing.¹⁵

¹¹ UK Met Office/University of East Anglia Climatic Research Unit (CRU)

¹² NASA's Goddard Institute for Space Studies

¹³ US National Oceanic and Atmospheric Administration (NOAA)

¹⁴ <http://www.bis.gov.uk/go-science/climatescience/world-is-warming>

¹⁵ <http://www.eea.europa.eu/data-and-maps/indicators/sea-level-rise/sea-level-rise-assessment-published>

The Intergovernmental Panel on Climate Change (IPCC) was established by the World Meteorological Organization and the United Nations Environment Programme in 1988. The IPCC assesses a wide range of information collected from existing research literature and modelling to produce a credible basis for climate change science which policy makers across the world can rely on to be independent, wide-ranging and robust. It provides a wealth of information on the causes of climate change, how climate change is affecting the world and how it will affect the world over the years to come.

The most recent review¹⁶ of research presented by the IPCC on climate change indicates that world greenhouse gas emissions need to be reduced so that by 2050 they are 50% to 85% below year 2000 levels in order to stabilise atmospheric concentrations and most likely limit warming to between 2.0 and 2.4°C.

Likely impacts of climate change in Northern Ireland

Climate change has the potential to have a less dramatic, but still highly significant, effect on the lives of the people of Northern Ireland. The UK Climate Projections (UKCP09) indicate that we are likely to see hotter drier summers and warmer wetter winters¹⁷ coupled with increased frequency of extreme weather occurrences such as heat waves, dry spells, heavy rain and flooding. Some of the key findings from the UKCP09 estimate that by the 2050's Northern Ireland will have:

- an increase in winter mean temperature of approximately 1.7 °C;
- an increase in summer mean temperature of approximately 2.2°C;
- changes in winter mean precipitation of approximately +9%;
- changes in summer mean precipitation of approximately -12%; and
- sea level rise for Belfast of 14.5cm above the 1990 sea level.

Adapting to the impacts of climate change

Past and current emissions have already ensured that there will be some degree of climate change over the next 30-40 years. Altering our behaviour to respond to these impacts of climate change is known as 'adaptation'. It means not only protecting against negative impacts, but also making us better able to take advantage of any benefits.

¹⁶http://ipcc.ch/publications_and_data/ar4/syr/en/spms5.html

¹⁷ Relative to the climate baseline taken from a 30 year average from 1961 to 1990.

Adapting to climate change is a process. It needs to be built into our normal planning and risk management procedures, whether in business, government or elsewhere. That way we can make sustainable adaptation decisions at the right time to maximise the benefits and minimise costs.

Lord John Krebs, the chair of the Adaptation Sub Committee on Climate Change, stated in the first progress report on adaptation:

“The UK must start acting now to prepare for climate change. If we wait, it will be too late. It is not necessarily about spending more, but about spending smart and investing to save. If we get it right, we can save money in the short term and avoid large extra costs in the future.”

While it is up to individuals, businesses, local authorities and community organisations to take responsibility for how climate change will affect them, the Government’s actions are critical to successful adaptation.

The Climate Change Act 2008 created a framework for building the UK’s ability to adapt to climate change, including:

- a UK wide Climate Change Risk Assessment that must take place every five years;
- a National Adaptation Programme which must be put in place and reviewed every five years to address the most pressing climate change risks to the UK;
- a mandate giving the government the power to require ‘bodies in England and Wales with functions of a public nature’ and ‘statutory undertakers’ (e.g. water and energy utilities) to report on what they are doing to address the risks posed by climate change to their work;
- the production of a programme for adaptation to climate change in Northern Ireland; and
- establishment of an Adaptation Sub-Committee of the Committee on Climate Change to provide independent advice and analysis.

The “UK Climate Change Risk Assessment”¹⁸, a report commissioned by the Department for Environment, Food and Rural Affairs, was published on 25 January 2012. The report allows us to better understand what

¹⁸ http://www.doeni.gov.uk/uk_climate_change_risk_assessment_government_report-2.pdf

climate change means for the UK and to inform the development of a programme of adaptation policies to address those risks.

The Scottish Act includes adaptation provisions including producing programmes for adaptation and adaptation duties on public bodies.

Building on the work undertaken for the UK Climate Change Risk Assessment and following consultation with local stakeholders a “Northern Ireland Climate Change Risk Assessment Report”¹⁹, was produced, setting out the most important impacts and consequences of climate change for Northern Ireland. This Report will play a key part in helping to develop a Northern Ireland Adaptation Programme, which will identify the priority areas for action and the appropriate adaptation measures that will be required to minimise risks to our economy, environment and society.

The Northern Ireland Climate Change Risk Assessment suggests the most significant threats to Northern Ireland from climate change may be:

- reduced river flows and water quality during the summer;
- reduced water availability during the summer, particularly for domestic use;
- reduced soil moisture and increased erosion affecting biodiversity and ecosystem services, including carbon storage;
- increased flooding and coastal erosion affecting people, properties (including built heritage) and infrastructure;
- increased coastal squeeze and coastal evolution affecting beaches, intertidal areas, grazing marshes, etc;
- increased risk of wildfires resulting in biodiversity loss; and
- a decline in native species and changes in migration patterns, coupled with increased pests, diseases, non-native and invasive non-native species, in particular in the freshwater and marine environments.

While these threats are those identified at the Northern Ireland scale there may though be other significant effects at a more local level. However, it should also be noted that some potential opportunities from

¹⁹ http://www.doeni.gov.uk/climate_change_risk_assessment_ni_2012.pdf

climate change have also been identified for Northern Ireland, these include:

- increased grass yields, allowing grazing seasons for livestock to be extended;
- increased yields for Sitka spruce, which may improve forest productivity;
- increased tourist numbers and tourist seasons;
- opportunities for trade and shipping routes; and
- reduced demand for heating due to milder winters, reducing energy bills.

Despite these potential opportunities, overall the likely impacts of climate change on Northern Ireland are considered to be largely negative. It is therefore clear that it is necessary for action to be taken, not only by government but also by all sections of our society and by individuals.

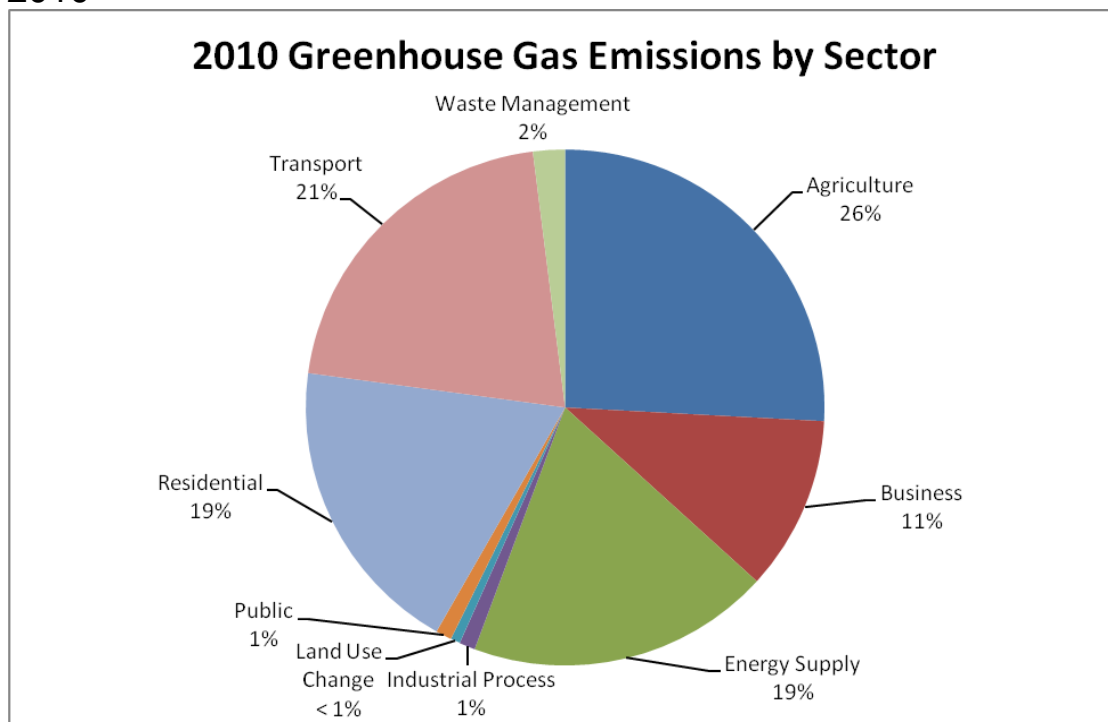
Emissions trends in Northern Ireland

The latest emission figures are set out in the Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland, 1990 – 2010²⁰. The inventory estimates that for 2010 Northern Ireland emissions were 20,460 kilo tonnes of carbon dioxide equivalent, around 3.5% of the UK's total greenhouse gas emissions. This represents an emissions reduction of almost 15% since the base year (1990).

In 2010, the main sources of greenhouse gas emissions were agriculture (25.7%), transport (20.5%), energy supply (19.3%), and residential sectors (18.7%). A breakdown by source is provided in Figure 1.

²⁰ http://uk-air.defra.gov.uk/reports/cat07/1208241153_DA_GHGI_report_2010_Issue1_r.pdf

Figure 1. Northern Ireland greenhouse gas emissions by source, 1990-2010



The majority of the source sectors have experienced a downward trend in emissions since the base year with power generation experiencing a 26% reduction while emissions from the residential sector have decreased by 13%. This has mainly been due to the increased use of gas in power stations and the switch to gas in homes in Northern Ireland over recent years.

In contrast, transport emissions have increased by 26% since the base year. While the share of transport in the overall emissions profile is the same in Northern Ireland as it is in the UK (21%) the emissions per capita are higher in Northern Ireland than in the UK as a whole (2.3 and 1.9 tonnes of carbon dioxide equivalent per person respectively). This reflects the reality of a relatively dispersed population with a greater reliance on private rather than public transport.

Agriculture & land use accounts for 26% of emissions in Northern Ireland; this is considerably greater than the UK figure of 9% and this is because agriculture forms a larger part of the economy of Northern Ireland.

The trends in greenhouse gas emissions since the base year are summarised below for each of the UK countries, although it should be

noted that estimates for the individual countries are less certain than the overall UK estimate:

- Overall UK emissions have reduced by 23.9%
- In England emissions have reduced by 26.0%
- In Scotland emissions have reduced by 23.7%
- In Wales emissions have reduced by 15.0%
- In Northern Ireland emissions have reduced by 14.7%.

Caution should be exercised when interpreting the statistics in the inventories due to the level of uncertainty around each individual estimate²¹. One of the main reasons for the level of uncertainty relates to agricultural emissions in Northern Ireland. Agricultural emissions are currently more uncertain than for other sectors, an issue that is currently being addressed on a UK-wide basis.

The Northern Ireland Executive has a Programme for Government target (2011-15) to continue to work towards a reduction in greenhouse gas emissions of at least 35% by 2025 based on 1990 levels. The latest projection of greenhouse gas emission reductions suggests that this target may not be met²².

The economics of climate change

The “Stern Review of 2006”²³ was commissioned by the UK government as a contribution to assessing the evidence and building understanding of the economics of climate change and gave an unequivocal economic view of the need for action. The report stated that:

“The benefits of strong, early action on climate change outweigh the costs.”

“No-one can predict the consequences of climate change with complete certainty; but we now know enough to understand the risks. Mitigation - taking strong action to reduce emissions - must be viewed as an investment, a cost incurred now and in the coming few decades to avoid the risks of very severe consequences in the future. If these investments are made

²¹ The estimated reduction of 14.7% in Northern Ireland greenhouse gas emissions since 1990 lies within a 95% confidence level of a reduction of 7% and a reduction of 22%.

²² The latest 2010 based projection for 2025 estimates a 28.3% reduction on 1990 levels by 2025.

²³ http://www.hm-treasury.gov.uk/d/Executive_Summary.pdf

wisely, the costs will be manageable, and there will be a wide range of opportunities for growth and development along the way. For this to work well, policy must promote sound market signals, overcome market failures and have equity and risk mitigation at its core.”

The Review estimated the long run costs of global action to stabilise greenhouse gas concentrations at 550 parts per million carbon dioxide equivalent are likely to be around 1% of global Gross Domestic Product (GDP) by 2050 within a range of between +/- 3%. However, costs of acting on climate change are lower than the expected costs of doing nothing to reduce climate change, which is estimated to be between 5% and 20% of global GDP.

The impact assessment for the Climate Change Act 2008 estimated that the long term cost of an 80% greenhouse gas target would be between 1.1% and 2.6% of GDP per annum.

The independent Committee on Climate Change also concluded that the mitigation costs of meeting the target are small compared to the damage costs of climate change.

While there are those who would argue that investment should be delayed until the impacts are more evident, the Department concurs with the advice contained in the Stern Review that we should be investing now to prevent and reduce greenhouse gas emissions in order to avoid the greater costs of adapting to the impacts of climate change in the future. The draft partial Regulatory Impact Assessment attached provides a more detailed assessment of the economic impacts of a Northern Ireland Climate Change Bill.

International context

The international political response to climate change began with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992. The UNFCCC sets out a framework for action aimed at stabilising atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference” with the climate system.

In 1997, the “Kyoto Protocol”²⁴ was agreed, where the UNFCCC agreed voluntary targets. At the highest level, the Kyoto Protocol secured

²⁴http://unfccc.int/kyoto_protocol/items/2830.php

commitments from 37 major industrialised countries and the European Community to reduce greenhouse gas emissions. Subsequently the European Union set a target to reduce greenhouse gas emissions from 1990 levels by 20% by 2020 (or 30% if certain global agreements are finalised)²⁵.

In October 2008, the European Council agreed on the long term objective of developed countries collectively reducing emissions by between 80% and 95% by 2050 compared to 1990.

The Conference of the Parties (COP 18) to the UNFCCC took place in November 2012 in Doha, Qatar. The outcome of the Doha climate conference, which lays the basis for more ambitious international action against climate change in the short term, paves the way for a new global climate agreement to be finalized in 2015 and enabled a second period of the Kyoto Protocol to start on 1 January 2013.

UK context

The Climate Change Act 2008, which extends to Northern Ireland;

- sets a long-term target for the UK to reduce its greenhouse gas emissions by 80% from 1990 levels by 2050;
- an interim target of 34% by 2020;
- provisions for the establishment of an independent advisory body; and
- reporting duties for public bodies and adaptation measures.

The Scottish Government also introduced its own Climate Change Act in 2009, setting a similar long-term target and a significantly more ambitious interim target of a 42% reduction by 2020. These targets cover emissions from both the traded and non-traded sectors. Secondary legislation passed in October 2010 and October 2011 also legislated for a series of annual emission reduction targets for 2010 to 2022 and 2023 to 2027 respectively.

The “Climate Change Strategy for Wales”²⁶ which was published in 2010 outlined targets for reducing emissions. It includes a target to reduce emissions within the devolved competence by 3% each year from 2011,

²⁵ http://ec.europa.eu/clima/policies/package/index_en.htm

²⁶ <http://wales.gov.uk/docs/desh/publications/101006ccstratfinalen.pdf>

against a baseline of average emissions over 2006-2010. In addition, there is a separate target to reduce all Welsh emissions by 40% from 1990 levels by 2020. This differs from the annual targets as it includes emissions covered by the EU Emissions Trading System. An Environmental Bill is in the early stages of development with the aim of introducing legislation in 2014. Consideration will be given to the possible inclusion of climate change provisions.

Republic of Ireland context

In the Republic of Ireland the government is committed to the publication of a Climate Bill to provide certainty surrounding government policy and a clear pathway for emissions reductions, in line with negotiated EU 2020 targets. The Irish Government announced a Roadmap for the development of national climate policy and legislation in January 2012. This incorporated key milestones including a public consultation (since completed) and agreement by government on the broad outline of legislation by the end of 2012.

Northern Ireland context

The Northern Ireland Executive's Programme for Government (2011-15) contains a target to continue to work towards a reduction in greenhouse gas emissions by at least 35% by 2025 on 1990 levels.

In May 2010 the Northern Ireland Executive approved a proposal by the Minister for the Environment to establish what was then known as the Cross-Departmental Working Group on Greenhouse Gas Emissions. This group, chaired by the Environment Minister and made up of senior officials from all departments, was tasked with developing a "Northern Ireland Greenhouse Gas Emissions Reduction Action Plan"²⁷.

The plan was published in February 2011 and a commitment was given to provide the Northern Ireland Executive with an annual report on progress. The plan acknowledges that EU and UK targets are already driving emissions reduction policies and many of these are beyond the control of the Executive, e.g. EU Emissions Trading System, fiscal policy, etc.

While the Action Plan focused on climate change mitigation (i.e. dealing with the *causes* of climate change), the Cross-Departmental Working

²⁷http://www.doeni.gov.uk/northern_ireland_action_plan_on_greenhouse_gas_emissions_reductions.pdf

Group recommended that its remit should be expanded to encompass climate change adaptation (i.e. dealing with the *consequences* of climate change) and other cross-cutting issues around climate change.

The Executive agreed and the group was reconstituted as the Cross-Departmental Working Group on Climate Change with the following terms of reference:

- to review cross-departmental action on climate change on an annual basis, (commencing April 2011 to March 2012) to ensure Northern Ireland remains on target to deliver the greenhouse gas emissions reduction target set out in the Programme for Government and to meet the requirements of the UK Climate Change Act 2008;
- to support the preparation of an assessment of the risks to the United Kingdom of the current and predicted impact of climate change;
- to prepare and deliver a cross-departmental adaptation programme on climate change;
- to report to the Executive annually on performance – (first report submitted May 2012²⁸), and;
- to make recommendations and/or decisions on wider climate change mitigation and adaptation issues as appropriate.

Currently the only legislation applying in Northern Ireland relating to greenhouse gas emissions reductions targets is the Climate Change Act 2008. The targets though are set at a UK level and there are no specific Northern Ireland targets. However Northern Ireland Departments and District Councils also have a statutory duty to deliver sustainable development under the Northern Ireland (Miscellaneous Provisions) Act 2006²⁹.

²⁸http://www.doeni.gov.uk/northern_ireland_greenhouse_gas_emissions_reduction_action_plan_1st_annual_progress_report.pdf

²⁹http://www.legislation.gov.uk/ukpga/2006/33/pdfs/ukpga_20060033_en.pdf

6. WHAT MAY BE IN A BILL

To come to a conclusion on the potential merits of a Bill, it is important to consider what it may contain, the level of ambition and the likelihood of achieving any proposed targets and most importantly how best it can serve the needs of Northern Ireland. If designed carefully a Bill should help promote Northern Ireland as a centre of excellence for green technology and a low carbon economy. On the other hand, it is recognised that there is concern that ambitious targets for greenhouse gas emissions reductions might adversely affect business competitiveness and impact on economic growth.

The Department would be very interested in your observations and views on the following elements that could potentially be included in a Northern Ireland Climate Change Bill. There are many permutations of these elements but for the sake of simplicity and clarity only the main issues are considered in this consultation.

Long-term target

The UK Climate Change Act 2008 established a long-term target for the reduction of UK greenhouse gas emissions by 80% (compared to a 1990 baseline³⁰) by 2050. This target covers the six main greenhouse gases (carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, per fluorocarbons and sulphur hexafluoride). While the devolved administrations should contribute to achieving the UK target, no specific devolved administrations targets were set in the Climate Change Act. Amongst the devolved administrations the Scottish Government has taken the lead by introducing its own Climate Change Act in 2009, in which it established a similar target of reducing greenhouse gas emissions by 80% by 2050. The UK and Scottish approaches are in line with the EU agreement on the long term objective of developed countries collectively reducing emissions by between 80% and 95% by 2050 compared to 1990³¹.

The establishment of a long-term target could signal a political commitment to greenhouse gas emissions reduction and provide a degree of consistency with other jurisdictions. It would provide a focus to efforts to reduce emissions.

³⁰ 1995 for 'F' gases

³¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0112:FIN:EN:PDF>

The UK and Scottish Acts 2050 targets are challenging and would undoubtedly be for Northern Ireland as well if part of local climate change legislation. Setting the Northern Ireland target at 80% (or higher) would signal that the Executive is no less serious in its commitment to tackling climate change than other jurisdictions. However, it is equally important that whatever final figure is arrived at, it is achievable. In setting a target, account must be taken of the fact that Northern Ireland's greenhouse gas emissions characteristics are significantly different in several key areas to those in the rest of the UK. These differences have a general tendency to increase the level of Northern Ireland emissions, though more positively, measures to reduce emissions could therefore have a potentially greater effect than the rest of the UK. These differences include:

- (a) a smaller number of power stations;
- (b) greater economic reliance on the agricultural sector;
- (c) more dispersed rural communities leading to impacts with regard to, for example, transport;
- (d) greater reliance on oil for heating; and
- (e) a land border with another EU member state.

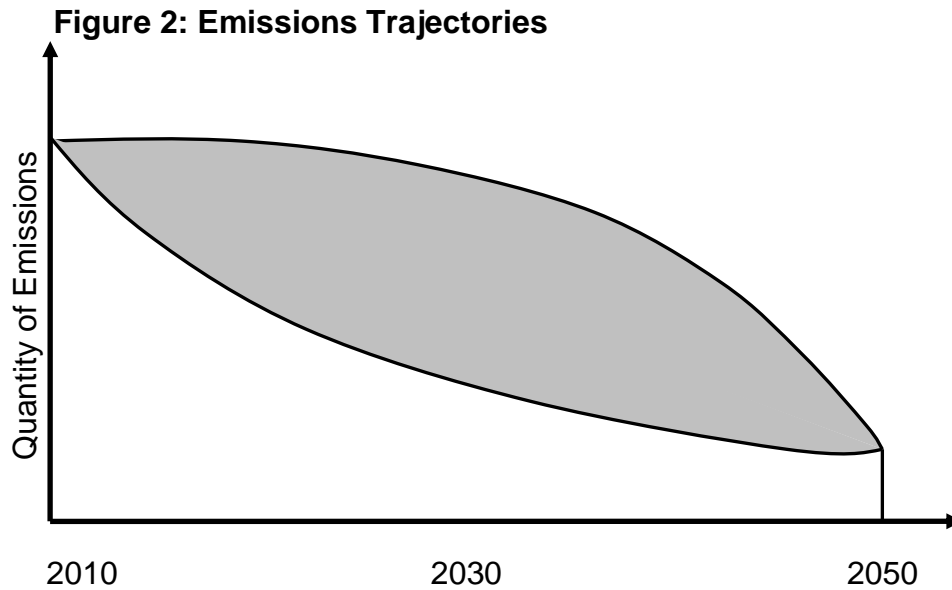
Interim target

In addition to the long-term target, the UK and Scottish Climate Change Acts also contain interim targets. In the case of the UK Act an interim target of a 34% reduction in greenhouse gas emissions by 2020 has been set, while in Scotland the target is 42% by 2020. The EU has also set a target of reducing greenhouse gas emissions by 20% by 2020 although pressure is growing to increase this target to 30%³².

It is not just the particular level of greenhouse gas emissions in a single year which affects climate change, rather it is the total amount emitted over a number of years. The total emissions actually produced could vary widely as a result of the rate of progress (or trajectory) in achieving a specified reduction by a specified date.

Figure 2 indicates the difference in cumulative emissions (the areas under the curves) under two different trajectories to the same point target.

³² If there is an increase to 30% the UK 2020 target will increase to 42%



The rationale for setting interim targets is essentially twofold:

- (a) atmospheric concentrations of greenhouse gases depend on the total amounts emitted over a long period of time and hence the trajectory of greenhouse gas emissions reductions is at least as important as emissions levels at specific points in time. Furthermore, the later cuts are made, the greater they must be to have the same effect, and so they will be more expensive; and
- (b) setting interim targets gives businesses better information and more certainty upon which they can base their investment decisions.

Possibly the simplest approach is to establish a small number of point targets between now and 2050. For example, point targets could be set in 2020, 2030 and 2040. Such an approach would have the benefit of being less administratively complex than other approaches.

However, if a Northern Ireland Bill is only operational from 2015, a 2020 target would in effect be short term and there may not be sufficient time for it to be delivered. There may be logic to perhaps align the interim target with the Executive's Programme for Government target in 2025 or even pushing it back to 2030. However, this would not be in keeping with the 2020 interim targets approach in the EU, UK and Scotland.

Determining the appropriate level of greenhouse gas emissions reduction is a complex matter and the decision needs to be made on the basis of sound scientific and economic advice. Other factors also need to be taken into account, such as the likelihood of further international

agreement on targets. For example, the UK Climate Change Act contains an interim target of a 34% reduction in greenhouse gas emissions (potentially rising to 42% if an appropriate global agreement is reached) while the Scottish Climate Change Act has fixed its interim target at 42%. This is an extremely challenging target if global agreement is not achieved due to the potential need to reduce emissions in the non-traded sector by much more than 42% to meet the overall target.

In setting an interim target for a Northern Ireland Climate Change Bill independent advice would be sought taking account of:

- (a) Northern Ireland's unique economic, environmental and societal circumstances;
- (b) scientific evidence; and
- (c) international precedence.

Whatever level the target is set at, it must be challenging but achievable and appropriate to the characteristics of Northern Ireland's greenhouse gas emissions.

The Department would seek the advice of the independent Committee on Climate Change on the level and timing of any interim target(s).

Targets could be set in the Bill itself or provision could be included in the Bill to allow targets to be subsequently introduced by subordinate legislation.

The inclusion of targets in the Bill would follow the pattern set by the UK and Scottish Acts in making a strong political statement of intent, demonstrating a commitment to long term sustainability and providing leadership to the public and private sector in support of investment decisions.

When setting any targets, account would have to be taken of independent advice based upon current analytical methodologies, scientific evidence, economic factors and international agreements. However, at present, there is a degree of uncertainty attached to Northern Ireland greenhouse gas emissions data. If, based on future inventory estimations, it became clear that the targets are implausible or unachievable, having them in the Bill would make the targets more difficult to amend.

A possible alternative means of dealing with the issue would be to include a target setting provision in the Bill, allowing the actual target(s) to be set via subordinate legislation when more robust data is available. Whilst this allows time for improvement in the inventory estimations and the flexibility to respond quickly to new information, it delays the introduction of targets. Consequently, this could be viewed as failing to give direction to industry and may ultimately result in the requirement for bigger greenhouse gas emission reductions.

Advisory body

The Committee on Climate Change is a non-departmental public body established under the UK Climate Change Act to:

- (a) provide independent advice to the UK Government and devolved administrations on setting and meeting targets and carbon budgets where appropriate;
- (b) monitor progress in reducing emissions and achieving carbon budgets;
- (c) conduct independent research and analysis into climate change; and
- (d) engage with representatives interested in climate change from across the UK in order to share research and information on climate change and gain input into the Committee on Climate Change analysis.

A Northern Ireland Climate Change Act would necessitate the provision of independent advice and a challenge function, a point reinforced by the Chief Executive of the Committee on Climate Change when recommending the introduction of a Northern Ireland Bill.

Independent advice on climate change could be provided through one of the following options:

- (a) the continued provision of this function by the Committee on Climate Change;
- (b) the creation of a separate Northern Ireland Committee on Climate Change to carry out such functions as necessary in order to ensure that the Executive receives advice which is best suited for the needs of Northern Ireland; or

- (c) allow an existing Northern Ireland public body to carry out this function, although it is unlikely that the high-quality expertise required to provide advice on reducing emissions while protecting the economy is held by any one public body in Northern Ireland.

Provision would have to be made in the Climate Change Bill for options (b) and (c) to allow the Executive to legislate for these options if required.

The Scottish Act made provision to set up a separate body for Scotland but to date it has continued to avail of the expertise of the Committee on Climate Change.

It is also noted that stakeholders have been supportive of the Committee on Climate Change providing independent advice.

Reporting Powers – Adaptation and Mitigation

Both the UK Climate Change Act 2008 and the Scottish Climate Change Act 2009 contain provision for reporting duties on adaptation measures by public bodies. The Scottish Act also makes provision to report on mitigation targets. There are no such provisions for Northern Ireland at present.

Adaptation

The reporting duties under the UK Climate Change Act 2008 give the Secretary of State the power to direct reporting authorities (organisations with functions of a public nature and statutory undertakers) to prepare reports detailing:

- the current and future predicted impacts of climate change on their organisations;
- proposals for adapting to climate change; and
- an assessment of progress towards implementing the policies and proposals set out in previous reports.

This is known as the Adaptation Reporting Power.

In the first round of reporting in England over 100 organisations provided reports under the Adaptation Reporting Power to the Department of Environment, Food and Rural Affairs (DEFRA) (91 organisations were issued with directions to report). DEFRA is now proposing a voluntary approach to the second round of adaptation reporting to ensure that the

process is flexible and responsive to the needs of reporting authorities. The aim is that the most appropriate reporting authorities will make an assessment of the risks / opportunities from climate change and develop actions in response that are proportionate to their organisation. This will also minimise unnecessary costs on organisations.

Under the Adaptation Reporting Powers the Welsh Government has issued one joint direction with DEFRA.

The Scottish Climate Change Act 2009 gives Scottish Ministers the power to order public bodies to prepare reports on compliance with the climate change duties. These duties include:

- contribution to the delivery of mitigation targets;
- delivery of programmes for adaptation; and
- sustainability.

To date the Scottish Government has not ordered any public body to report on compliance.

Directing reporting authorities to report under the Adaptation Reporting Power makes it mandatory for them to respond. This ensures that organisations undertake the exercise to report, however it runs the risk of introducing an unnecessary regulatory burden if the process is not helpful to them. If the process is perceived to be unhelpful, organisations may adopt a 'tick-box mentality' of reporting, which will undermine the effectiveness of reporting. The Department would welcome views on the introduction of powers to require public bodies, including district councils, to report on their measures to adapt to climate change.

Mitigation

The UK Climate Change Act 2008 contains no provision for public bodies to report on measures taken to reduce greenhouse gas emissions, known as mitigation.

However, the Scottish Act contains provisions which allow Scottish Ministers to require public bodies to prepare reports on compliance with its climate change duties, including contribution to delivery of mitigation targets.

In Northern Ireland the Cross Departmental Working Group on Climate Change monitors and reports on the measures taken by Departments to

deliver the greenhouse gas emissions reduction target set out in the Programme for Government.

This work is taken forward through the Northern Ireland Greenhouse Gas Emissions Reduction Action Plan published in February 2011 detailing departments' commitments and targets. The plan is reviewed annually and a progress report provided to the Executive. The first report was submitted in May 2012.

There is no equivalent power, as in Scotland, to require reports from public bodies (see section 'public bodies' and question 8 for proposed definition of what organisations would be included) on efforts being taken to reduce greenhouse gas reductions. The Department would welcome views on the availability of powers to require public bodies, including district councils, to report on their greenhouse gas emissions.

Public Bodies

If adaptation and mitigation reporting duties for public bodies were introduced in a Northern Ireland Climate Change Bill, consideration would need to be given to whom the power should apply.

The reporting power has the potential to be applied to over 200 Northern Ireland organisations which are considered to be public bodies or statutory undertakers for the purposes of reporting on climate change adaptation or mitigation. The Department's view would be that it would be disproportionate to place a reporting duty on all of them. The Department would welcome views on the public bodies and/or statutory undertakers to which reporting duties should apply.

Reporting on Progress on Adaptation

The Climate Change Act 2008, in England, provides for the Committee on Climate Change to provide an assessment of the progress made towards implementing the objectives, proposals and policies set out in the programmes for adaptation (this is the National Adaptation Programme).

This assessment is to be provided in the second year after the first adaptation programme is laid before Parliament. The first National Adaptation Programme is due to be laid before Parliament mid to late 2013. Subsequent progress reports must be made every 2 years, however, provision also exists allowing the Secretary of State to make an order for a progress report to be provided in a specified year.

The Scottish Act provides for a relevant body (currently the Committee on Climate Change) to report on the progress of programmes for adaptation. It is anticipated that the first adaptation programme will be laid before the Scottish Parliament in 2013, with subsequent reports provided bi-ennially.

It is the intention that the first Northern Ireland Adaptation Programme will be laid at the Assembly in 2013.

There is currently no requirement for Northern Ireland to obtain an assessment on the progress made towards implementing the objectives, proposals and policies set out in the Northern Ireland Adaptation Programme.

Once laid there is no subsequent requirement, as there is in England and Scotland to review or monitor progress before a second Adaptation Programme is developed 5 years later. The Department considers that a mid-cycle report (2-3 years in to a programme) would be a sensible addition.

7. WAY FORWARD FOR NORTHERN IRELAND

In this pre-consultation the Department is seeking views on two approaches.

One approach is to continue to deliver the policies and measures as set out in the “Northern Ireland Greenhouse Gas Emissions Reduction Action Plan” and monitor progress as set out in an annual report through the Cross Departmental Working Group on Climate Change. The actions to date have included a number of voluntary measures, e.g. the Efficient Farming Cuts Greenhouse Gases Reduction Strategy and Action plan and those that are determined by other legislative requirements, such as the EU Emissions Trading Scheme Directive.

An alternative, although complementary approach is to bring forward a Northern Ireland Climate Change Bill, similar to the approach taken in Scotland and which complements the UK Climate Change Act 2008.

Approach 1: Continue with the non-legislative approach through the Cross Departmental Working Group on Climate Change

The non-legislative approach has been effective to a certain extent in that the Northern Ireland Greenhouse Gas Emissions Reduction Action Plan contains a large number of actions that collectively will reduce emissions. However, current actions are unlikely to deliver the full ambition of the existing Programme for Government target to reduce emissions by 35% in 2025 based on 1990 levels, nor to meet the level of ambition on other administrations. The approach does not demonstrate a long term political commitment to dealing with the issue of climate change in Northern Ireland, something that is essential if business and others are to commit to a low carbon economy. From an economic perspective, it would be difficult to position Northern Ireland as a world leader in greenhouse gas emissions reduction and as a centre for green technology, without the underpinning provided by appropriate legislation.

The Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland: 1990-2010³³ reports a reduction of 14.7% in Northern Ireland’s greenhouse gas emissions based on the 1990 figures. This indicates that the Programme for Government target of a 35% reduction in greenhouse gas emissions by 2025 may not be achieved under a

³³ http://uk-air.defra.gov.uk/reports/cat07/1208241153_DA_GHGI_report_2010_Issue1_r.pdf

non-legislative approach. It may also ultimately have a detrimental impact on, or result in Northern Ireland losing opportunities that may accrue from the transition to a low carbon economy. These are opportunities that could contribute to growing our economy through investment and job creation, for example from the design, installation and promotion of renewable energy technology. This could have a negative impact on the Executive's ability to meet its objectives in relation to growing the economy and reducing unemployment.

It should also be recognised that whilst the 'non-legislative' approach avoids incurring additional costs, significant investment and commitment to meet the Executive's current target of a 35% reduction in greenhouse gas emissions by 2025 will still be required.

Approach 2: Introduce a Northern Ireland Climate Change Bill

This approach provides for the introduction of a Northern Ireland Climate Change Bill that would establish a framework that could help ensure Northern Ireland delivers its contribution to reducing emissions. This could:

- give a clear signal to both the private and public sectors about the direction of long term government policy;
- provide greater certainty for future investment decisions, promoting the green economy;
- help improve security of supply against reduced availability of fossil fuels in the long term; and
- support job creation in a low carbon economy.

8. QUESTIONS

The pre-consultation has set out the Department's thinking on a Northern Ireland Climate Change Bill. Your comments and views on the issue would be welcome in helping inform firm policy. The Department invites your views to the individual questions below and it would be helpful if you present your views in the form of responses to the individual questions that are asked.

When you are responding please state whether you are responding as an individual or representing the views of an organisation.

- Q1. Should Northern Ireland have a Climate Change Bill?
- Q2. Is a long-term target to reduce greenhouse gas emissions for Northern Ireland necessary?
- Q3. Is an interim target to reduce greenhouse gas emissions for Northern Ireland necessary?
- Q4. Should targets be set in primary legislation (the Bill) or in subordinate legislation?
- Q5. Should provision for an independent advisory body be included in a Northern Ireland Climate Change Bill?
- Q6. Should provision for reporting on adaptation measures by public bodies be included in a Northern Ireland Climate Change Bill?
- Q7. Should provision for reporting on mitigation measures by public bodies be included in a Northern Ireland Climate Change Bill?
- Q8. To which public bodies and /or statutory undertakers should the reporting duties apply?
- Q9. Should provision for reporting on an adaptation programme to the Assembly be included in a Northern Ireland Climate Change Bill?
- Q10. Can you provide evidence on the impact the introduction of a Bill may have on economic structure, employment, performance and competitiveness relevant to Northern Ireland?

Q11. Do you have any comments in respect of the issues raised in this pre-consultation document or are there any important issues you feel have not been adequately covered?

9. RESULTS OF INITIAL EQUALITY SCREENING, HUMAN RIGHTS ASSESSMENT AND RURAL PROOFING

Human Rights Act

The Human Rights Act 1998 (“the 1998 Act”) gives further effect to rights and freedoms guaranteed under the European Convention on Human Rights. The 1998 Act makes it unlawful for a public authority, including the Department, to act in a way that is incompatible with these rights.

The Department considers that the issues discussed within this consultation are compatible with the 1998 Act.

Equality

Section 75 of the Northern Ireland Act 1998 requires that public authorities have due regard to equality issues in carrying out functions relating to Northern Ireland. The Department carried out screening for equality impact and is satisfied that any proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department’s website.

Regulatory Impact

The Department has prepared a draft partial Regulatory Impact Assessment (RIA) to assess the impact that implementation of some of the potential elements that might be introduced through primary legislation could have on businesses. Whilst not strictly necessary during pre-consultation, the draft partial RIA gives a broad indication of the impact of potential legislation.

The RIA analyses in more depth some of the main aspects of the policy elements which may be considered for inclusion in any proposed Climate Change Bill, detailed in the previous chapters and, where relevant, explores the options for implementation including an assessment of costs and benefits and risks, where this information is available. When considering some issues, it has not been possible to provide quantifiable evidence and a qualitative assessment has been provided instead. This can be viewed on the Department’s website. http://www.doeni.gov.uk/index/protect_the_environment/climate_change/ni_climate_change_bill.htm

Rural Proofing

Rural proofing is a process to ensure that all relevant Government policies are examined carefully and objectively to determine whether or not they have a differential impact in rural areas from that of elsewhere, because of particular characteristics of rural areas. Where necessary the process should also examine what policy adjustments might be made to reflect rural needs and in particular to ensure that, as far as possible, public services are accessible on a fair basis to the rural community.

The Department has assessed the proposed measures and considers that there would be no differential impact in rural areas or on rural communities.

10. CONCLUSION

Climate change science has developed rapidly over the last 20 years to the point where there is no longer any serious doubt amongst the scientific community that climate change is happening and that it is, in significant part, the result of human activity. Targets for greenhouse gas reductions have been set at global, European and UK levels, enshrined in international agreements and national legislation. The questions to be answered are whether it is necessary or desirable for Northern Ireland to set its own sub-national targets and whether these should be enshrined in a Northern Ireland Climate Change Bill. The arguments for and against are largely economic, there is widespread support for taking advantage of the economic opportunities that a Bill might bring but conversely there are concerns that the costs associated with meeting stringent targets might slow down economic growth. While these concerns are understandable, Stern has stated that *“The benefits of strong, early action on climate change outweigh the costs.”*

It can be argued that Northern Ireland’s contribution to global emissions and hence the impact of its reduction is so small as to be of negligible importance. While this may be technically correct, even from a purely moral standpoint we all need to play our part and make a proportionate contribution to global emissions reduction. From an economic perspective there are clearly potential benefits to Northern Ireland from positioning itself as a world leader in greenhouse gas emissions reduction and as a centre of excellence in green technology. However, it would be difficult to attain such a position or, indeed, to be taken seriously without the underpinning provided by appropriately ambitious legislation.

It is therefore the view of the Department that a Climate Change Bill that appropriately addresses the needs and ambitions of Northern Ireland should be developed.