



Northern Ireland
Assembly

Committee for Agriculture, Environment
and Rural Affairs

OFFICIAL REPORT (Hansard)

Climate Change Bill: RaISe Briefing

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There is more detail and commentary on these comparisons in section 3.1, but I will just take you through some of the summary points.

The private Member's Bill (PMB) is the only one on the table to legislate for a climate emergency. Most are declared through parliamentary motions. All jurisdictions have a form of climate action plan (CAP), albeit with different contents. The CAP under the PMB sets annual targets, carbon and nitrogen budgets, sectoral plans and an adaptation programme. CAPs in other jurisdictions do not set targets on budgets. Those are set separately through secondary legislation, and their CAPs provide for policy actions only. The Bills in Scotland and Sweden require net zero by 2045, while the others set net zero by 2050, including the Republic of Ireland. New Zealand also includes a 2050 target for biogenic methane. That is methane from livestock, waste treatment and peatland, for example. Inclusion of that was also discussed during the pre-legislative scrutiny stage of the Republic of Ireland Bill, which is now at Second Stage.

The PMB and Scotland are the only ones that provide for annual targets. However, Scotland's is only for greenhouse gases and not also for biodiversity, soil and water quality, as in the PMB. In fact, none of the other jurisdictions provide for those types of target.

Most jurisdictions, apart from Sweden and Scotland, provide for five-year carbon budgets. Scotland has one long-term budget, known as "the fair and safe budget", for 2010 to 2050. The Republic of Ireland is the only jurisdiction to provide for sector-specific carbon budgets, and those are known as "sectoral emission ceilings". Scotland is the only other jurisdiction to provide for a similar nitrogen budget to the PMB, and this is referred to in the Scottish Act as a "nitrogen balance sheet" and "use efficiency" ratio. It lists the same sources of nitrogen to be taken account of as under the PMB, such as food production, waste, energy and transport.

All other jurisdictions provide for a formal sectoral plan, similar to the PMB, and those are mainly as sectoral policies under their CAP. However, the ROI's sectoral plans are to be in line with their binding emissions ceilings for sectors. Plans under the PMB are to be based on the principles listed in clause 3(8). They are referred to in the explanatory and financial memorandum (EFM) as "just transition". However, there is no further detail as to what exactly that means or how each of these points is to be achieved in the PMB. In comparison, the Scottish Act of 2009 appears to provide much more detail on the sectoral plans in the Act and just transition, with a definition. It also refers to a just transition committee.

All jurisdictions provide for an adaptation programme or plan; however, not all require public bodies to report on adaptations. That is the case under the UK Act. It also applies to the PMB, under UK Act requirements, for adaptation and reporting, which take a voluntary approach. Scotland, however, places a duty on the major players, such as public bodies, and they must report. Under the PMB, reporting is carried out by the climate commissioner; in other jurisdictions, it is performed by Government. However, ROI requires an advisory council with input from sectoral Ministers to report. Unlike the PMB, none of the other jurisdictions requires a report on the review of their respective climate legislation. The PMB requires annual reporting on the CAP, which involves a larger range of targets and budgets, compared to other UK jurisdictions and the ROI. Scotland has annual targets but requires reporting:

"as soon as reasonably practicable after the information that can be contained in the reports becomes available".

New Zealand is the only other jurisdiction to provide for a climate commission, similar to the climate change office proposed in the PMB. The New Zealand Climate Change Commission, like the climate office proposed in the PMB, has monitoring and reporting responsibilities, but not in relation to the review of legislation. It also provides an advisory role. New Zealand provides for a chairperson but not for a climate commissioner, nor does it appear to give as wide-ranging powers to its commission as the PMB proposes for the Northern Ireland commissioner, mainly in relation to obtaining information and performing its functions.

All the jurisdictions have a main form of advisory body. Across the UK jurisdictions, that is the UK Climate Change Committee (CCC). However, the PMB lists the CCC, the Intergovernmental Panel on Climate Change (IPCC), and the ROI's Climate Change Advisory Council. Under the Bill, most of the advice is to be given by the CCC, except in relation to the overall target. Other bodies are specifically referred to in relation to sectoral plans, such as the Single Electricity Market Committee (SEMC) and, in relation to the transboundary element, North/South bodies listed in Part V of the Northern Ireland Act 1998. As in the other UK jurisdictions, the CCC is to provide annual advice on progress on targets

under the CAP. However, that is only for greenhouse gas and carbon but not biodiversity, soil and water quality, as required under the PMB.

The PMB is the only legislation with a non-regression clause. However, the UK provides for a non-regression statement, under the Environment Bill, to apply to all new environmental Bills.

Scotland's Act and the Republic of Ireland's Bill provide for a general climate change duty on public bodies in relation to carrying out their duties on mitigation and adaptation. However, beyond the voluntary reporting on adaptation, as required under the UK Act, there does not appear to be a similar duty under the PMB.

That was a quick run-through of the comparisons for now. I will move on to section 4 of the paper, which is "Further Considerations". It starts on page 59 of your packs and provides further observations and considerations, some of which may require clarification and information. The points are also raised in section 3 and are largely based on comparisons with other jurisdictions.

The first section is on net zero and the net zero target. I will take you through a summary. The PMB provides the framework for the production of CAPs; it also provides for a binding, overall target of net zero by 2045, which cannot be adjusted beyond 2045. This aspect of the PMB has the biggest potential impact on both positively addressing climate change and placing requirements on sectors to achieve it.

The need to address climate change as soon as possible and the benefits of achieving net zero have been reiterated many times through the work of the CCC, the Intergovernmental Panel on Climate Change, and the United Nations Framework Convention on Climate Change (UNFCCC). However, apart from the CCC, to date there appears to be a lack of published material on and understanding of Northern Ireland's unique ability to achieve net zero and the potential impacts that Northern Ireland might experience from it.

There appears to be a difference of opinion over whether, and when, Northern Ireland can reach net zero. DAERA has consulted on proposals for an Executive climate change Bill for Northern Ireland, which presents options to set either specific targets for Northern Ireland or targets based on the CCC's advice. The PMB and CCC have different views on what is achievable for Northern Ireland: the PMB suggests that net zero is achievable by 2045, while the latest CCC letter, dated April 2021, suggests a reduction by at least 82%, with the provision to tighten the target if there is evidence to support that. However, the letter, and the CCC's previous letter of December 2020, also highlights the risks and difficulties of Northern Ireland trying to reach net zero by 2050 or earlier, because of its unique circumstances. Some of the difficulties are listed on page 60 of your pack and are discussed in more detail in the paper on net zero that I provided to the Committee last year.

To date, all jurisdictions in the UK have used the UK CCC's advice to set their overall net zero target. The PMB does not use the CCC's advice for its overall target; however, the advice is to be used for everything else set under the CAP. The PMB's overall target raises a number of questions, which are listed on page 60. I will go through only some of them, because there is quite a long list. Is the overall net zero target by 2045 set without any allowance for future alteration of the date, under clauses 3(9) and 11? Is the overall net zero an accumulation of all listed greenhouse gases? For example, can further reductions in one gas offset fewer reductions in another, or will there be potential for gases to be net zero individually? Will there be further detail in secondary legislation or through the CAP to explain the exact form, calculations and measurements of the overall target? Is it a binding target to which all sectors must contribute equally, or can they contribute depending on their emission levels? Who or what body provides advice on the overall target, especially if discussions for a methane or any other separate target continue down the line? What evidence has been used in relation to the overall target and potential specific impacts on Northern Ireland and its sectors? In reaching the overall target, what consideration has been given to the impact of Northern Ireland remaining a net exporter of agricultural produce to the rest of the UK? The ROI is legislating for net zero by 2050: what impact will this have on border areas effectively working to two different targets?

The next section looks at the potential costs of set-up and implementation to achieve the targets set in the Bill. The Bill provides for the establishment of a new climate office, commissioner and carbon tracking scheme. Although the EFM explains that it has not been possible to cost the climate office and commissioner, there is no mention of cost implications for the set-up of a new tracking scheme. The EFM states that sectoral plans

"will have financial implications which go beyond the immediate Bill."

However, the EFM also states that it has not been possible to cost those implications. There appears to be a lack of costings that are specific to Northern Ireland's reaching net zero by 2045 by both the PMB and UK CCC. The latest letter from the CCC provides projected costs for Northern Ireland's reaching 82% by 2050. Those are listed on page 62 of your paper. However, the closest costs for Northern Ireland's reaching net zero by 2045 come as estimations by the CCC for net zero by 2050. It states that it has not been able to provide precise costs but estimates that the cost will, almost certainly, be higher than those of the 82% reduction target by up to £900 million per year by 2050 if engineered removals technologies are used. It also suggests a tailwinds scenario, which entails a 50% fall in meat and dairy production in Northern Ireland by 2050 and requires significantly greater levels of tree planting. However, the CCC reiterates that that is not enough to get Northern Ireland to net zero by 2050.

Again, there are more questions at the end of that section. I will take you through some of them. Will there be more detail on the likely costs across the Northern Ireland economy and sectors of achieving net zero by 2045? On the CCC tailwind projections for livestock reduction to meet net zero by 2050, what are the worst-case or headwind figures most likely to be? How will any potential negative impacts on agriculture and rural communities be dealt with? Will future agricultural and rural support and policies take account of that? Have the power, housing, infrastructure and transport sectors provided any estimations of their ability to contribute to the overall target? Do they see that as a problem, particularly if net zero by 2045 requires more stringent measures and costs compared with those that have been provided by the UK CCC? Has the Finance Minister been consulted on funding measures under the PMB?

The next section looks at consultation. The importance of consultation is that it helps to ensure buy-in and give stakeholders the assurance that they have been involved in the early development and shaping of the proposals. According to the EFM, the PMB is informed by "the best available science" and the public opinion poll that was run in summer 2020. The EFM explains that engagement with members of the Climate Coalition Northern Ireland and the opinion poll was the main form of consultation. However, were details of the methodologies, range of stakeholders and responses made available? Publicly available details on the opinion poll suggest that the main provision of the PMB that was presented was the overall net zero by 2045 target. Which sectors responded to the opinion poll? What percentage of sectors contributed to that 68% agreement? What form of consultation shaped the rest of the proposals under the Bill, such as the CAP and its contents, the climate office and climate commissioner? The opinion poll was conducted pre-COVID-19. Could opinions have changed since then with regard to the public's priorities for recovery or the investment required to reach net zero?

The next section, in a similar vein, looks at impact assessment and rural proofing. The PMB does not appear to provide further detail to assess the specific implications of reaching net zero by 2045 in Northern Ireland. There is no form of regulatory impact assessment, rural-proofing exercise, equality screening or economic appraisal. Have a regulatory impact assessment, rural proofing, and section 75 equality screening been conducted on the PMB? Are there likely to be disproportionate impacts based on farm size, production or area should farming practices have to change? What does "just transition" mean with regard to rural areas and rural proofing?

I will move on to the next section on responsibilities and roles. Page 68 lists bodies that have been given specific roles under the PMB, from the three advisory bodies listed with regard to the climate emergency; the Executive Office in the production of the CAP; the climate commissioner on monitoring and annual reporting on the CAP; and the CCC to advise on CAP, with the SEM Committee and the North/South body's input on specific aspects, such as the transboundary element. Have all those bodies been informed of and agreed to their roles? Do they have the capacity, resources and expertise to perform their roles? Does the Executive Office, in particular, have the capacity, resources and expertise in relation to the production of the CAP and its contents, and, likewise, the CCC in providing annual advice across the broad range of targets and budgets? Where will the Executive Office climate change office acquire the necessary expertise? Is the expectation that expertise will come from DAERA or from consultants? Who will pay for that? What role does DAERA have, beyond obtaining advice from the North/South bodies, on the transboundary element, as referred to in clause 3(10)? If transboundary issues are identified with the CAP, who is responsible? Would DAERA be responsible for obtaining advice from North/South bodies, and the Executive Office for the production of the CAP? The CAP is to be produced and laid by the Executive Office and approved by the Assembly.

Clause 3 mentions the role of the Department in taking advice from certain bodies on the transboundary element of the CAP. Annual reports on the CAP are to be laid before the Assembly each year and developed by the climate commissioner. On the basis of the annual report, the

Executive Office may make alterations to the CAP targets or measures, provided that they are not lowered.

Members will find some of the questions identified on page 70 of their packs. What is the legal standing of the CAP? Is it to be produced through secondary legislation and resolution by the Assembly? Is the process under the PMB considered the most efficient or effective way of making amendments to annual targets, budgets and sectoral plans? For instance, can targets be amended independently? Who will be responsible for meeting the requirements of the CAP? Will it be the Executive Office or DAERA? If the requirements under the CAP are not met, could the responsible authority or body be subject to judicial review by the Office for Environmental Protection (OEP) and the climate commissioner? Will the Public Services Ombudsman also have a role, or will there be a form of agreement, or a memorandum of understanding, to avoid possible overlap with other oversight bodies? That would be similar to the proposed operation of the OEP in Northern Ireland.

The annual targets and budgets under the PMB go beyond simply greenhouse gases to include biodiversity, soil and water quality, and the nitrogen budget. Under its carbon budget, the PMB provides for an annual land use and land use change greenhouse gas reduction target. In general, detail on the budget amounts and limits is light in the PMB compared with the UK Act.

Members will find some of the questions on pages 71 and 72 of their packs. How will new targets and budgets under the Bill fit with requirements of the water framework directive, the environmental improvement plan — or strategy — under the Environment Bill and the nitrates directive? In relation to nitrogen, do we have the infrastructure to monitor and obtain the information required for monitoring and reporting from the various sectors mentioned, such as agriculture and food, transport and energy? Does the Executive Office have the expertise to take international law, the environment, public health and well-being, and fiscal, economic and social circumstances into consideration in developing annual targets? Will the Executive Office be responsible for keeping up to date with EU developments in legislation under the protocol that might impact targets, such as those relating to alien invasive species, the emissions trading scheme, fluorinated gases and ozone-depleting substances?

The Bill explains that the transboundary element means:

“any negative impact on the environment of Northern Ireland, including its waters and atmosphere, from activity which occurs in ... the Republic of Ireland; Scotland; Wales; and England.”

How will that be impacted by Northern Ireland and ROI working to different overall targets and, potentially, different biodiversity, soil and water quality standards and nitrogen budgets as a result of the targets in the Bill? What will happen should negative impacts be identified from activities in the other jurisdictions? Will the other jurisdictions be held accountable? Have the other jurisdictions been consulted on the transboundary element?

I move now to the sectoral plans. A new development in the UK is the inclusion of international aviation and shipping in emission reductions. Aviation and shipping is listed as a sector under the PMB. However, international aviation and shipping in Northern Ireland is a reserved matter. According to DFI, responsibility for aviation matters remains a reserved function of the Department for Transport in London and the Civil Aviation Authority (CAA). Some questions are presented on page 74. They include the following: have all the relevant public bodies in the sectors listed under sectoral plans been consulted? Are they content with the provisions? Are specific Ministers responsible and to be held accountable for delivery and implementation of sectoral plans? Will further guidance be issued? Has Northern Ireland the competence to legislate for sectoral plans for international shipping and aviation? Will sectoral plans take into consideration requirements of the protocol as it relates to each sector? For example, will vehicle standards, energy, eco-labelling, energy efficiency of technologies and so on be taken into consideration? Could sectoral plans, and the CAP in general, be subject to oversight by the EU Commission?

The next section in my paper looks at the climate commissioner. The climate commissioner has two main functions. The first is to monitor the implementation of the CAP and to make annual reports to the Assembly, while the second is to review the implementation of the Bill. To perform the functions, the climate commissioner has been given powers to do anything that relates to those functions, including acquiring or disposing of property or rights, and to have access to any information or documents that are needed to discharge them. That includes information and documents from any public body, anyone receiving a public grant or loan and anyone supplying goods or services under a contract to a Northern Ireland public body.

Consideration may be needed for any overlap with similar oversight bodies, such as the regulatory role of the Northern Ireland Environment Agency (NIEA) and the OEP, once its functions extend to Northern Ireland. There could be crossover with its oversight of environmental law, including biodiversity, climate change and non-regression. Such consideration may also be needed with the EU Commission on the protocol and legislation under it that might impact on climate emissions, such as the EU emissions trading system (ETS), fluorinated gases, vehicle standards etc.

It appears that the climate office and the climate commissioner do not have any enforcement, sanction or fine powers under the PMB. Failure to meet targets and budgets are to be highlighted in the annual report provided by the climate commissioner, with recommendations made to remedy any failures. What powers of enforcement does the climate commissioner therefore have? Are they similar to those of the OEP, where the main mechanism is judicial review? How will any overlap in roles with other oversight bodies be dealt with?

The EFM does not give any specific costs for the setting up, resourcing and operation of the climate office and the post of commissioner. It does, however, explain that the commissioner will have powers similar to those of the Public Services Ombudsman and the Comptroller and Auditor General. Have any projected costs for setting up a climate change office and appointing a commissioner been conducted? Could resourcing costs, salaries and staffing be similar to those for the Northern Ireland Ombudsman and the Comptroller and Auditor General or even those for existing commissions in Northern Ireland, such as the Human Rights Commission, the Equality Commission and the Children and Young People's Commissioner? The salary is to come from the Consolidated Fund. Have discussions been had with the Finance Minister in that respect?

We are getting near to the end. The next section is on advice. It gives examples of the different advisory roles under the PMB. It covers the three relevant advisory bodies on the climate emergency, advice from the CCC on the CAP and advice from other specific bodies, such as the SEM Committee and the North/South bodies. Does the CCC give advice on all contents of the CAP, including the overall net zero target going forward? Does the CCC have the capacity and expertise to advise annually on the range of targets and budgets under the PMB, in comparison with the advisory role that it has in other UK jurisdictions? Have all bodies listed been informed of, and agreed to, their role? What happens if any of the bodies does not, or cannot, assume its role in giving advice?

The final section looks at some of the terminology that is used throughout the Bill, some of which may require further detail or definition. One example is "just transition". Unlike in the Scottish Act, there is no definition in the Climate Change Bill. It appears vague about exactly what the list provided in clause 3(8) means and how each could be achieved. In fact, the Scottish legislation provides for a Just Transition Commission to provide advice on the measures.

I appreciate that the paper raises more questions than it provides answers, but I hope that it will help members as they start to review the practical application of the proposals.

The Chairperson (Mr McAleer): That is great, Suzie. It is an incredible piece of work. You have compiled a 72-page document for us, and it has made a huge contribution to our beginning to scrutinise this huge piece of legislation.

Suzie, I am trying to get my head around the issue of sequestration. I know that there are different views on the Climate Change Bill, its targets and all of that, but farmers have been raising the point about getting appropriate credit for their sequestration. We talk about net zero, and farmers can balance the emissions that are produced with what sequestration absorbs. In your research on the subject, have you explored or come across any mechanisms, either nationally or internationally, whereby that can be accurately calculated in order for farmers to work out their baseline?

Ms Cave: Thanks very much, Chair. It is an important aspect, because I know that the Climate Change Committee has talked about some of the difficulties that Northern Ireland faces with sequestration and even with its existing contribution through our grassland. Quite a lot of work has been done by Teagasc from an agriculture and food production perspective. Teagasc has produced projections of how farmers can go about trying to improve their climate change efficiency procedures. One element that it focuses on is the idea of sequestration. I have looked at that very briefly, and I would not want to start going into a lot of detail on it now, but it exists and would be a good source for me to look at going forward.

The Chairperson (Mr McAleer): That is crucial, because farmers are getting anxious about the message coming out that the only way in which to reduce emissions is for them to cut their livestock

numbers. That is not necessarily what Teagasc is saying, however, because it has produced a marginal abatement cost curve action plan. It would be useful to explore that in more detail.

Suzie, without prejudice, what is your assessment of a situation in which the North and the South have different targets? I am conscious that there is a £1.3 billion agri-food industry across the island of Ireland and that the overwhelming majority of our agri-food products are what might be deemed mixed origin, because we export so many sheep and so many pigs. I think that around 70,000 cattle were imported in the past year, for example. What is your assessment of both parts of the island having different targets?

Ms Cave: I would not like to go into much discussion on the impacts on specific agriculture production and that sort of thing. As you know, that is not really my area. On the targets and the difficulties with implementation and working to two different frameworks, I know that, in border regions, there are farms that span the border. That brings complications not just for the implementation but for the regulatory role. The protocol helps to keep us, in some ways, bound with down South, but there are certain aspects of the Bill that are not provided for under the protocol, such as biodiversity and the nitrogen budget. The fact is that we have a nitrogen budget and the South does not.

Another difficulty is that our sectoral plans will be based mainly on policies and policy actions. Down South, they are based on binding sectoral emission targets. It is projecting a large improvement in its overall agricultural emissions because of those binding targets. There will be differences, and we are trying to tease out the crossover there between the regulatory roles of the likes of the Office for Environmental Protection or of the EU Commission, where it might become involved. There is also the transboundary element to be considered. It looks at the impacts on Northern Ireland from other regions, and the ROI is obviously classed as one of those. If it is effectively working to different standards from us, what regulatory impact will that then have on us?

Mr Blair: Thank you, Suzie, for another detailed and useful report. I have two main questions. First, from the available research, what can show how up to date the information is, particularly on a cross-sectoral basis? I regularly point out that there is, for understandable reasons, huge concentration on agriculture in the Northern Ireland climate change context. Often, however, not enough attention is paid to the fact that other sectors are not that far behind agriculture in contributing to greenhouse gas emissions. Transport, for example, is at 23%, compared with agriculture's 27%. Energy and business taken together equal agriculture's 27%. I am therefore keen to know what improvements being made in the various sectors are taken into consideration and how up to date the information is. It is a picture that is changing all the time. The situation might be getting better, albeit only slightly in some instances.

My second question is about the detail that is available to Suzie and other researchers. The UK Climate Change Committee said that its own sixth carbon budget report did not take into account quite recent information on, for example, the greenhouse gas impacts of less-intensive farming or agroecology, because, apparently, those are harder to assess. The CCC said that that was:

"due to the lack of robust evidence on the abatement potential".

Does that therefore mean that some of the information that is available, even from the Climate Change Committee, could be an underestimate of what is being achieved in the agriculture sector in Northern Ireland currently?

Ms Cave: Thanks, John. I will try to address the first question. I am not sure whether that is something that can be directed specifically at me, but we will see as we progress through consideration of the Bill. I explored the ongoing work in other sectors in my previous paper, on net zero, which I provided earlier in the year. It covered some of the main programmes that are being implemented at the moment. I noticed that we are in a significant period of transition at the moment off the back of Brexit and because a lot of programmes are coming to the end of their term. A lot of the programmes are being developed — the green growth strategy, for instance, is listed as one of the main ones — to try to work across all sectors. We are at the stage at which, yes, it would be interesting to know what some of the policy developments will be and how they will link into the Climate Change Bill, especially across the range of targets that are provided in the legislation.

Your second question was about the research that is available. I appreciate the fact that we are at the stage at which new developments are coming through. From the beginning, we have had very little to work off. The CCC is the main body that has been referred to by all jurisdictions. I appreciate what you

say about 'The Sixth Carbon Budget'. I have heard about it, but I have not had a chance to look into it in an awful lot of detail as yet, but, again, it is worth looking at the modelling that has been used. At the moment, the only real published material that any other researchers and I can refer to is the work of the Climate Change Committee, but, with the generation of this Bill, I am hoping that other things will be developed from it.

Mr Blair: Thank you for that. I did not expect you to have all of the detail and up-to-date information across all the sectors. Believe me: I did not. The question that I was posing was about whether there is an ever-changing picture that we need to keep revisiting as we move ahead. That is where I was coming from.

Ms Cave: There is, and very much so. The responsibilities of the Executive Office is also one of the areas to be looked at. It is a big undertaking not only to produce CAPs but, as you say, to look at ongoing developments across all the different sectors that we expect to come forward now.

Mr Blair: Thank you for that.

Mr Irwin: Thank you, Sue, for your detailed briefing. It is important to look at how all jurisdictions in the UK have taken the advice of the Climate Change Committee when setting their overall net zero targets. I presume that the Climate Change Committee is seen as being experts. It would have taken expert advice on this, would it not?

Ms Cave: Very much so. That is how the Climate Change Committee is described across all the other jurisdictions in their formation of legislation.

Mr Irwin: I know that it may be difficult for you to say, but, given that that is the case and given the importance of the agri-food sector to Northern Ireland's economy, is it not wise for us to take the Climate Change Committee's advice on board?

Ms Cave: Again, it is not for me to say, as you rightly say. For my paper, I had to refer to what is publicly available, so, on that basis, a lot of it had to be based on the Climate Change Committee's information. Had other information come to light, perhaps through research attached to this Bill in its generation or through other consultation, I could have referred to that as well. Nothing was really publicly available, however, so the main research that I had to refer to was that of the Climate Change Committee.

Mr Irwin: Have all the regions of the UK taken the Climate Change Committee's findings on board?

Ms Cave: The targets that they have adopted are all based on information from the Climate Change Committee.

Mr Irwin: That is OK, Sue. Thank you.

Mr Harvey: Thank you, Sue. It is good to see you again. Can you tell me where else in the world or what other country has legislation as tight as this? Have you been able to make any comparisons? If so, can you give us an example? We will need something that is a lot simpler in every way, as the Minister will outline in his Bill and even the CCC recommends. To me, as far as I can see, the overall picture is that the Bill in this form is not good for anyone. It will create rural poverty, and our agri-food sector will be seriously penalised. Can you therefore tell me whether any other countries have legislation that is as tight?

Ms Cave: Do you mean countries with as tight an overall target in their legislation?

Mr Harvey: Yes.

Ms Cave: The paper refers to Scotland and Sweden, which also have a 2045 target. Other countries explored in the paper include New Zealand. You probably well know the importance of its agriculture sector and have talked about it at many meetings. Its target is 2050, which is the same as down South. Its emissions profile has been likened to ours, but I believe that it is struggling a bit more than we are to make reductions from within its agriculture sector.

Mr Harvey: Suzanne, I do not know whether the others can hear you, but I did not catch much of the end of that. Were the rest of the members able to hear?

The Chairperson (Mr McAleer): Sorry, Harry. Members, if you are not speaking, can you mute yourselves? That may well have caused the interference. I can hear Suzie very well, because she is sitting beside me, so I have no complaints. I ask members mute their microphones if they are not speaking. The interference may be impacting on Suzie's audio.

Was it the end of Suzie's contribution that you did not pick up, Harry?

Mr Harvey: Possibly. Can we just try the final few sentences once again? I appreciate that. Thank you, Suzanne.

Ms Cave: As I said, down South has a target of 2050. That, obviously, is not the same as 2045, but I understand that it is quite a target for it to set, based on its emissions profile. Although its emissions profile has been described as being quite similar to ours, compared with us, it has definitely struggled a bit more to make reductions to its agriculture emissions.

I can look into other countries. I know that the Netherlands, with its very flat land, could be another one to look at. Unfortunately, owing to time constraints, I did not have a chance to look into an awful lot. Some examples have been provided of countries that have targets of 2045, and there is more detail in the paper.

Mr Harvey: Thank you very much. I appreciate that.

The Chairperson (Mr McAleer): Thank you, Harry. We now go over to Fermanagh.

Mrs Barton: I also had great difficulty hearing you, Suzie. There seemed to be terrible interference in the background when you were replying to Harry.

I want to go back to the target of net zero by 2045 that is in the Bill. How binding is that? Can it be changed by amendments to the Bill, or is it in there to stay?

Ms Cave: Can I just check that you can you hear me OK?

Mrs Barton: Yes, I can, Suzie. Thank you very much for your detailed breakdown of everything. The paper was very interesting to read.

Ms Cave: No problem. I am just trying to remember my train of thought. Will you repeat what you just asked?

Mrs Barton: Yes. How binding is the 2045 date? Can amendments be made to change the target of 2045 for net zero carbon?

Ms Cave: The detail of clause 2 suggests that it cannot be altered to move the target beyond 2045. Any amendments or changes would be made by the Executive Office, following Assembly approval. Unfortunately, we do not know what form of resolution would be provided. The overall target is to be provided under the CAP, but we do not know whether the CAP will be produced through secondary legislation or what form of resolution will be afforded to it by the Assembly.

It is a binding target that cannot be pushed back. The list of greenhouse gases in the Bill that it applies to, however, can be added to by DAERA. There are therefore two roles regarding changes or amendments to the overall target, but the target date cannot be moved back, and standards cannot be lowered in any way.

Mrs Barton: It is legally binding, and no amendment can change it.

Ms Cave: Not to push the date back or to lower standards.

Mrs Barton: OK. Thank you very much.

Ms Bailey: Thanks, Suzie. Another great report, and thank you for so much for it, as always.

When you were doing research on this, did you find anywhere where assessments were carried out — . In the CCC report, Northern Ireland is recommended for at least an 82% reduction. That is based on the UK model of net zero. Have any work, papers or assessments been done that you have found —. Who, in the rest of the UK, would pick up the slack of our not being net zero? If we are 18% short, which of England, Scotland or Wales is able to go further than net zero to pick that up?

Ms Cave: It is my understanding, as you rightly say, from the CCC's reports that, effectively, different areas within the UK can help to offset the 82% that we will be working towards. Each of the different areas in the UK has a particular area that they can focus on. In Scotland, sequestration is quite a big area, and we have seen their renewable energy uptake as well. However, off the top of my head, I do not want to go into a lot of detail on that. I can look at it in more detail for you. It would be useful to see what sectors from each of the jurisdictions will contribute most to that difference.

Ms Bailey: That is great. And then, applying the same thing to the transboundary issue that we have in Northern Ireland, we in Northern Ireland will not be at net zero, and we know that, in the ROI, the Bill that is working its way through is also looking at net zero. Scotland, England, Wales and the Republic of Ireland are all heading for net zero, but Northern Ireland is not getting there. If we can get England, Scotland or Wales to pick up the 18% that we will be missing, how does that impact if the Republic is at net zero? Have you come across anything on that yet?

Ms Cave: Again, that is quite a specific area of the Bill. I have not had a chance to go into an awful lot of detail on that yet. Throughout the Committee Stage, we can certainly look at those areas. Obviously, the transboundary element that you refer to is looking at the 2045 overall target, which neatly fits in with Scotland, the rest of the UK and the Republic of Ireland at 2050. The transboundary element depends on that overall target and how well it fits in with the rest. With us sharing a border with the Republic of Ireland, that is the biggest difference that we will want to look at. I understand that emissions in general throughout the UK have to contribute to the overall net zero target, if that ends up being the proportionate approach taken.

Ms Bailey: Grand. I have millions of other questions, but I will go through your report in more detail and maybe follow up with you. Thank you so much for that.

Mr McGuigan: Just like everyone else, I want to thank you for your paper, Suzie. It will be really useful to the Committee as we go forward, and I am sure that the ongoing work that you do will be useful. I do not really have a pile of questions for you, just one in relation to the duty on public bodies in the Bill, I think you said, in Scotland and the South but not here. I would like a bit more of an explanation of what that means and the impact of it not being in this Bill.

Some of my colleagues in the Assembly raised the issue that "just transition" is not defined in the Bill. By comparison with other Bills, what difference does it make that the term is not clearly defined in our Bill?

Ms Cave: On the duty on public bodies, really what I have looked to is the Scottish Act. There is a general duty on public bodies in relation to delivery of their targets on mitigation measures and their adaptation programme. There is a duty on what are classed as major players to report on the measures that they use for mitigation and adaptation. The UK Act does not have the same general duty. It is more of a voluntary approach to reporting by public bodies; the Act does not make it a duty. If we apply our adaptation programme as it is under the UK Act, the question will be whether that is on the basis of a voluntary approach because it is under the UK Act. Something would need to be specifically mentioned in the Bill to place an actual duty on public bodies to report and respond on their functions as they do in Scotland.

Mr McGuigan: Before you move on to the next one, who are the major players?

Ms Cave: I will just turn that up. The major players are not specified in the Scottish Act. That comes in the accompanying guidance:

"The guidance considers these Major Players to be bodies with large estates and/or staff numbers, high impact and influence, large expenditure, or an auditing or regulatory function, and suggests

that these bodies should be ambitious in their action on climate change and seek to do more than others."

That is the wording from the guidance document. There are some questions in relation to further detail on the Bill here. Will that be provided in similar guidance or written into secondary legislation? Scotland has a lot more detail on the CAP and what comes under it. A lot of the objectives in the climate action plan in Scotland are also in the Act. Those are the differences in the detail and whether that effectively comes through secondary legislation or guidance. As you know, guidance is what it says; it is guidance, and there is a bit more flexibility.

Mr McGuigan: Maybe just give an assessment of the strength of the just transition principles in our Bill by comparison with the other legislation.

Ms Cave: The just transition principles are similar to those that are listed in the Scottish Act. However, the Scottish Act explicitly defines in the Act what "just transition" is and makes that connection and that link. For people who are applying it and looking at the Bill, they can see where the listed principles are coming from. Under the Scottish Act, "just transition" means reducing emissions in a way which tackles inequality and promotes fair work at the heart of Scotland's approach to reaching net zero. It is about whether you want something like that to be explicitly defined in the Bill, as opposed to just in the explanatory memorandum, to make that connection.

Mr McGuigan: Thank you, Suzie.

The Chairperson (Mr McAleer): Before Rosemary comes back in, Suzie, I want to elaborate on an issue that Rosemary raised in relation to the Bill. There is a debate going on around a separate measure for methane, for example. The possibility of looking at an amendment to the target was suggested in the Second Stage debate, perhaps by Steve Aiken. If this is an Act of the Assembly, surely all aspects of the Bill can be amended. Is that not right?

Ms Cave: That is something that I was thinking we needed further clarity on, because a lot of the targets are grouped under this one climate action plan. I could not find any other jurisdiction that provided those binding targets. The Republic of Ireland refers to binding emissions ceilings in relation to its sectoral plans under its climate action plan, but those are developed separately through secondary legislation and then referred to in the CAP. This Bill is quite unique in that respect. From the detail of the Bill, I cannot ascertain whether the CAP itself and all those targets under it will come in one lump sum under secondary legislation or each target separately. Can you make changes or amendments to the individual targets, or will it have to be looking at the CAP in general?

The Chairperson (Mr McAleer): Will it be within the power of the Assembly to do that?

Ms Cave: Yes. The Bill gives the power to make amendments to the Executive Office. The majority of the CAP — the annual targets and that sort of thing — will be based on the commissioner's annual report. Those will then go to the Executive Office, which will lay any changes in the Assembly.

Mrs Barton: I was a bit concerned when you said that there had been no rural proofing. Am I correct in that reading of the Bill?

Ms Cave: Yes, that is right, Rosemary. As far as the detail that has been presented goes, there has been no rural proofing.

Mrs Barton: No rural proofing. Would it be useful to perhaps have rural proofing considered for the Bill, given its potential impact on the rural community?

Ms Cave: Certainly, in terms of best practice. I would like to look in more detail at the guidance that is provided for the generation of a private Member's Bill. I am not sure that it is a requirement under private Member's Bill guidance to do it. One of the main comparisons I can make is with Executive Bills that have been presented, where a rural proofing exercise would be conducted, even just to see how a Bill applied to the Rural Needs Act (Northern Ireland) 2016. That is certainly something that needs to be explored.

Mrs Barton: Thank you.

The Chairperson (Mr McAleer): Suzie, just for clarification, am I right in thinking that the CAPs will be subject to rural and equality proofing?

Ms Cave: Yes, because they are bringing in the annual targets, the budgets and the sectoral plans. Those will all come in under the scope of the CAPs. The Bill states that any CAP will go out for consultation.

The Chairperson (Mr McAleer): Will that include rural proofing under the Rural Needs Act and the equality impact assessment?

Ms Cave: The Bill does not mention rural proofing or assessments exactly, so that may be something that can be looked at to see if it needs tightened up to ensure rural proofing. As Rosemary rightly said, there are also the impacts that could be faced by rural communities. There is section 75 as well. Look at the demographic of the majority of our farming sector: any changes that might be brought into their practices would be bound to have an impact on them and their livelihoods.

Mr M Bradley: I thank Suzie for a detailed and informative research paper; it will be a valuable reference paper as we move forward to discuss the Bill or any other climate change legislation that may come.

Aviation and shipping have been mentioned, and the impacts of that are unknown. What is the unknown impact around intensive farming? I am talking about the importation of grains and, feeds and the general surplus of manure, methane gas etc by comparison to normal farming practices. We need to distinguish between normal and intensive farming practices and the impact that they have on climate change. Maybe you cannot answer, but I will ask anyway: should we be seeking closer alignment with what is happening across the UK and the Republic of Ireland as the Bill evolves? Should we put more emphasis on expert consideration, rather than the outworking of an opinion poll? Do we need to carry out major research on the rural economy and employment, as Rosemary and the Chair have alluded to?

Ms Cave: Thanks, Maurice. I will try to address some of those questions, if I can remember the list. In terms of exploring further areas, I could not find any specific costings related to the Bill. Expert advice from an economic perspective would be useful to help the Committee determine not just achieving the targets and implementation of the proposals across the different sectors, but also the set-up costs for the likes of the commissioner and the new tracking scheme. In the Bill, there is little detail on the new tracking scheme that is proposed to come in under carbon budgets. For example, can it be formed from an existing scheme, as provided for in the Scottish Act? How will the costs be recovered? In Scotland, the costs of the tracking scheme can be recovered through fees from the members of the scheme. It is things like that.

Agricultural practice and intensification is not my area of specialism, but I can look into it. As I said to Declan before, Teagasc has done quite a lot of work on that. While comparisons with other parts of the UK are good, as you rightly said, we have to understand that Northern Ireland is unique. While our emissions profile is very similar to that of the Republic of Ireland, we are at a different starting point, and that should be explored.

Mr M Bradley: Thank you, Suzie.

Mr McGlone: I compliment Suzie on her hard work. She has raised a lot of questions that stakeholders will want to take a position on, if they have not already, and raise with the Committee as it works through the Climate Change Bill.

I note that you have referred to Teagasc a number of times. Chair, are we likely to take evidence from the likes of Teagasc? Suzie has said that we are at slightly different development stages with regard to climate change legislation. There is a huge crossover in the ownership of firms and production outlets in the North and South. Every day, as we know, there is exchange and transfer of goods such as milk and cheese and all those things across the border on an all-island basis. Are we likely to have that element of input to make sure that what we are doing and suggesting be done at least harmonises with the efforts being made there? We might even get ideas from the Republic.

The Chairperson (Mr McAleer): For what it is worth, I have requested that Teagasc be included as a key stakeholder as we move forward with our scrutiny. You are right: we export 800 million litres of

milk a year to the South of Ireland, and a lot of beef and lamb goes both ways; indeed, a lot of pigs go into your constituency of Mid Ulster. It is absolutely crucial that we hear from the likes of Teagasc, which has developed an action plan to assist farmers in reducing their emissions and moving towards being carbon-neutral. Did you want to add anything to that, Nick?

The Committee Clerk: Teagasc is included on the invitation list to provide oral evidence to the Committee in the weeks ahead.

The Chairperson (Mr McAleer): Patsy, Nick just confirmed that Teagasc has been invited to provide oral evidence to the Committee in the weeks ahead. Hopefully, it will accept that invitation.

Mr McGlone: OK, and obviously Invest NI as well. I am picking up that there is considerable work being done and, indeed, interest in picking up on potential opportunities for the North. We want to make sure that that is all done in a safe and forward-planning way. That would be great. Thank you for that, Chair.

The Chairperson (Mr McAleer): OK, Patsy. Clare, are you looking in?

Ms Bailey: Thanks, Chair. As a quick follow-up to that, is the Food, Farming and Countryside Commission (FFCC) on our list for evidence? I have not got the list in front of me; apologies.

The Chairperson (Mr McAleer): If it is not there, it can be put on the list.

The Committee Clerk: Clare, I do not have the list in front of me. I will check that after the meeting and confirm. If it is not, we will add it to the list.

Ms Bailey: Thanks.

The Chairperson (Mr McAleer): Suzie, that is an amazing piece of work that you have done for us. It is very helpful and thought-provoking — just the sort of thought-provoking document we need as we begin the scrutiny process to try to tailor-make an appropriate Climate Change Bill for the North. Thank you for coming here this morning, Suzie. It is good to see you back here in person again after being online for the last year or more. Thank you, Suzie.

Ms Cave: Thank you.

The Chairperson (Mr McAleer): Take care.