



Consultation on Climate Change Reporting by Specified Public Bodies - Developing New Regulations

March 2023



Northern Ireland
Executive

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<http://www.daera-ni.gov.uk/consultations>

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Please note: There is also an 'abridged' version of this consultation available which contains less detail than this full-length consultation document. If you would like more detail, you may find this full-length version better suited to your needs. Both documents are available on the DAERA consultation [webpage](#).

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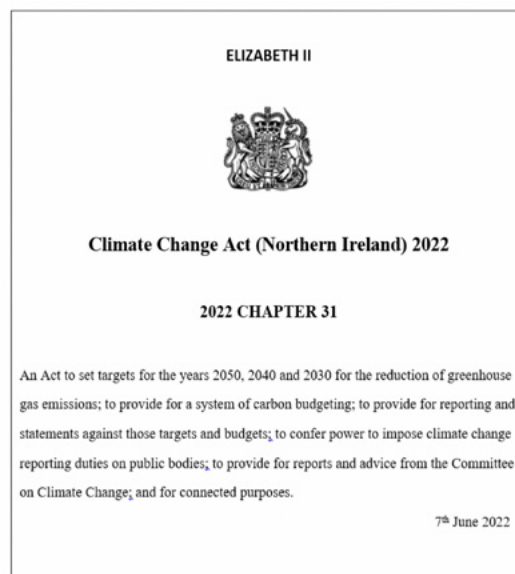
Abbreviations

CCC	The UK Climate Change Committee are the statutory, independent, expert advisors on climate change to the UK government and the governments of the UK devolved administrations (including Northern Ireland).
DAERA	Department of Agriculture, Environment and Rural Affairs.
GHGs	Greenhouse gases with the seven main gases being: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.
NICCAP	Northern Ireland Climate Change Adaptation Programme - this is a 5-year programme which sets out Northern Ireland Departments' response to the risks and opportunities identified for Northern Ireland in the most recent 5-year UK Climate Change Risk Assessment as required by the UK Climate Change Act 2008.
North South Implementation Bodies	North/South Implementation Bodies were set up by Order under the 1998 Good Friday Agreement, and each of the six bodies operate on an all-island basis. While having a clear operational remit, all operate under the overall policy direction of the North/South Ministerial Council, with clear accountability lines back to the Council and to the Oireachtas and the Northern Ireland Assembly.
'The Act'	The Climate Change Act (Northern Ireland) 2022.
UK Act	The Climate Change Act 2008.
UK	United Kingdom.
UK CCRA	UK Climate Change Risk Assessment - these are 5-yearly reports which set out the current and predicted risks and impacts of climate change to the UK (including Northern Ireland). These reports are required to be developed and laid in the UK parliament by the UK government as required by the UK Climate Change Act 2008.

Introduction

Climate change is an unprecedented challenge for everyone, including Northern Ireland, and a climate emergency was declared by the Northern Ireland Assembly in February 2020. In June 2022, our very own climate change legislation, called the 'Climate Change Act (Northern Ireland) 2022' received Royal Assent. This Act sets out Northern Ireland's framework for tackling climate change and reducing emissions, by setting (among other things) challenging targets to deliver net zero emissions ('net zero') in Northern Ireland by the year 2050. The Department of Agriculture Environment and Rural Affairs (DAERA) is leading on the development of Northern Ireland's first 5-year climate action plan (CAP) as required under the Act.

The CAP will contain the Northern Ireland departments' policies and proposals to meet the first 5-year carbon budget for the years 2023-27 (which is a limit on the amount of emissions Northern Ireland can emit) and it will set our longer-term pathway towards net zero by 2050.



DAERA is also leading on developing a Green Growth Strategy for a returning Northern Ireland Executive to agree. This strategy will set out the Executive's multi-decade approach to balancing climate action, with a clean environment and the economy. It will aim to set a long-term vision for tackling the climate crisis in Northern Ireland in the right way and it will be underpinned by the provisions of the Act, with which it must closely align.

Public bodies have a significant role to play in helping to achieve the reduction in emissions which are needed and indeed now required by law. They are also key in helping Northern Ireland to be climate-adaptable, resilient, and healthy, both for now and for future generations. Many public organisations are already doing good work to reduce emissions and tackle climate change risks and impacts at their own local and organisational level. Indeed, some organisations such as local councils have declared their own climate emergencies, and some have already set their own challenging emissions reduction targets. The important role of public bodies in tackling climate change is recognised by the Act, by requiring new law

(regulations) to be made, which will set a requirement for specified public bodies to report on climate change. Reporting by public bodies can help them increase their contribution to Northern Ireland both tackling the causes of climate change and adapting to its impacts. Reporting can do this by driving and informing more rapid and effective action by them.

DAERA would also like to thank those who attended the pre-consultation workshops (undertaken in the last quarter of 2022) regarding the requirements to make the new regulations. This consultation is a more in-depth stakeholder engagement exercise, which will continue to gather the views of public bodies, as well as other stakeholders and members of the public, to help shape and inform the development of these upcoming regulations.

DAERA value your views and encourage you to carefully consider this document, and to participate in this consultation through the questions posed throughout, to help us prepare good quality, well-informed regulations.

How to Respond to this Consultation

This consultation will run for an extended 10-week period from 31st March 2023 to 9th June 2023. We encourage early responses, and responses should be no later than **11.59pm on 9th June 2023**. All responses should be received by then to help ensure they can be fully considered.

There are several ways in which you can share your responses, and these are provided in the bullet points below. However, there is a challenging statutory timeline to bring forward these regulations, and post may take longer to arrive than other online means of submission of responses. Also, responding using the online response function can reduce the environmental impact of the production of consultation paper. For these reasons and in order to make the exercise as accessible and efficient as possible, **we encourage you to respond** to this consultation document directly **through the online survey**.

- **Online Survey**

The primary response method for this consultation is through the online survey on the [Citizen Space Hub](#). You can also access the online survey from the DAERA consultation [webpage](#).

- **By Email**

You can obtain a response template by emailing the consultation team at: climatechangediscussion@daera-ni.gov.uk, and you can email your response to this email address, or alternatively by hard copy to the postal address below. If a large volume of email responses is received, they may take significantly longer to process than online responses and so we encourage you to use the [Citizen Space Hub](#).

- **By Post**

Please be aware that postal responses may take longer to process.
Responses can be posted to:

Climate Change Public Body Reporting Team
Climate Change and Green Growth Policy Division
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
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Guidance is provided on the 'Confidentiality' of responses under the Freedom of Information Act 2000, at chapter seven for your reference. Also, if you require any further information, please contact a member of the consultation team on 028 9056 9291 or on 028 9056 9246.

Executive Summary

The Climate Change Act (Northern Ireland) 2022 ('the Act') under [section 42](#) places a duty on DAERA to make new regulations which will require climate change reporting by specified public bodies. This consultation document seeks views from consultees to help inform the development of these upcoming regulations through a series of questions. To help inform consultees' views, this consultation document also sets out and discusses relevant background information, legal context and potential important considerations in relation to what the future regulations should look like. Views are also sought via this consultation on other related matters - such as what support is potentially needed by specified public bodies to help them meet their statutory reporting duties once the regulations are made.

Consultees are asked to note that this consultation document does not set or represent any confirmed policy of the Northern Ireland Executive, DAERA or any other Northern Ireland department. Rather the consultation seeks to gather views to help inform policy development and decisions by a future DAERA Minister and Northern Ireland Executive.

A brief overview of the content of the chapters within this consultation document and its annexes is provided as follows:

Chapter one provides details on the aim and scope of this consultation, and the legislative context. This includes, by way of example, detail on what section 42 of the Act requires. It also provides a brief overview of what a public body is, and other background information which consultees may find useful before beginning their consideration of the subsequent chapters and consultation questions.

Chapter two covers some detail around the scoping work carried out by DAERA to help identify which organisations could potentially be classified as a 'public body', within the meaning of the Act. It also includes detail on a pre-consultation exercise (through a series of workshops) carried out by DAERA with public bodies in the last quarter of 2022, and it provides a summary of the views gathered from this exercise which has helped inform this consultation.

Chapter three recaps on what the climate change reports provided by specified public bodies are required to contain under section 42 of the Act. It also provides discussion on how frequently and when reporting might be required under the new regulations. To help inform consultees' views, this chapter also provides some detail on key considerations including the related expert independent advice received by DAERA from the UK Climate Change Committee.

Chapter four discusses potential approaches (an 'exemption approach', and a 'criteria-based proportionality approach') for identifying which public bodies should be specified as having to report under the future regulations.

Chapter five discusses further matters which section 42 of the Act allows the regulations to include. Discussions are on allowances for flexibility for public bodies to cooperate with each other when developing their individual climate change reports, and for two or more specified public bodies to produce a joint report to fulfil their reporting duties. This chapter also covers matters regarding:

- setting the required form in which the reports should be provided;
- a requirement for the reports to be published; and
- the potential for DAERA to issue future guidance which would support public bodies in meeting their climate change reporting duties under the future regulations.

Chapter six covers discussions around the potential for DAERA to provide a reporting template (containing a series of questions) for specified public bodies to use, to help them meet their climate change reporting duties after the regulations are made.

Chapter seven provides information on confidentiality of responses to this consultation.

Annex 1 contains the full list of the consultation questions for ease of reference for consultees while forming their views into responses to this consultation.

Annex 2 provides information to support section 1.5 of chapter one, by providing some examples of public body climate change reporting requirements which are set within jurisdictions outside of Northern Ireland.

Annex 3 provides consultees with an example of draft regulations which contain the types of provisions, for illustrative purposes, which could be created to deliver on the requirements of section 42 of the Act. This illustrative example covers the issues and matters discussed in chapters two to five.

Annex 4 provides detailed descriptions of the criteria within the example draft 'criteria-based proportionality approach' discussed in section 4.5 of chapter four.

Annex 5 provides an example of a reporting template which contains an illustrative list of potential questions which specified public bodies could provide information on, to help them populate their climate change reports required under the future regulations. This example template is referred to at various points throughout this consultation but is particularly relevant to chapter six.

This consultation includes the following supporting documents which can be found at the DAERA consultation [webpage](#), for anyone who wants extra background information on:

- 'What is Climate Change and What is Climate Change Reporting'.
- 'Benefits of Climate Change Reporting by Public Bodies'.
- 'Frequently Asked Questions and Answers'.

Chapter One: Background, Aims, Scope and Context

1.1 Background

The [Climate Change Act \(Northern Ireland\) 2022](#) requires DAERA under [section 42](#), to make new regulations which will set 'climate change reporting duties' on 'specified public bodies'. Further detail on the legal context, including the requirements and scope of section 42 is provided in section 1.6 of this chapter.

1.2 Aim of the Consultation

The main aim of this consultation is to gather consultees' views on what the future regulations required by section 42 of the Act should look like. Views collected from this consultation will be used to help achieve the aim of developing well-informed regulations that will enable a fit-for-purpose climate change reporting regime for public bodies in Northern Ireland which will:

- **Encourage and incentivise climate action and progress** - by ensuring the right information is gathered to inform public bodies, as well as government, to take effective decisions and actions to tackle climate change;
- **Ensure accountability** of specified public bodies - through transparency of disclosure of their required climate change information;
- **Enable focus and effective use of resources** - while collecting the most effective, high quality, useful and impactful data. There is a careful balance to be struck between comprehensive reporting requirements and ensuring the reporting does not incur unnecessary excessive cost and onerous demand on the public bodies. This is especially important where higher frequency monitoring might provide limited additional benefit, in comparison to a level of lower frequency monitoring. An effective reporting regime should help drive, inform and enable meaningful rapid climate action, without being a barrier to, or taking resources away from, carrying out that action;
- **Be timely and of good quality** (in terms of questions asked and data received) to enable gathering of the most effective and useful information;
- **Help deliver desired effects and benefits** - for public bodies in terms of informing and driving rapid action in tackling climate change impacts and its causes (i.e. greenhouse gas (GHG) emissions). Also, it should help widen government's understanding on how well Northern Ireland is tackling climate change, so that well informed policy, actions and interventions can be made by them; and

- **Be a reporting regime which can evolve and be updated at the pace required** - to accommodate and align with changes in data/information needs and availability, and reporting abilities, as well as future policy changes and advancements in climate change understanding and technology.

The consultation also aims to gather views on any potential future support a specified public body might need to help them deliver on their climate change reporting duties.

1.3 Scope of the Consultation

The scope of this consultation covers an information (views) gathering exercise to inform policy and decisions to be made by a future DAERA Minister and Northern Ireland Executive. Therefore, the consultation's scope **does not cover agreed or confirmed policy of DAERA, the Northern Ireland Executive or any other department.**

The future regulations are required to stay within the scope of section 42 of the Act and cannot cover other issues or matters which some might consider desirable. Therefore, the **scope of this consultation aims to remain within the scope of section 42 of the Act** (see section 1.6 for further detail on this section of the Act).

The consultation does not cover the technical detail on how specified public bodies will meet their reporting requirements under the future regulations. The scope of the consultation does however, cover matters around potential support the specified public bodies might need to help them meet their reporting duties (e.g. consideration of the development of supporting guidance for public bodies to use).

1.4 Legislative Context

1.4.1 The Climate Change Act (Northern Ireland) 2022

The Act builds upon and complements Northern Ireland's requirements set out in the UK Climate Change Act 2008 ('the UK Act') (see section 1.4.2). **The Act places a range of duties on Northern Ireland departments**, including a duty that each department must contribute to delivering the Act's emissions reduction targets (net zero emissions by 2050, and other targets). Departments also have duties to produce carbon budgets (i.e. caps or limits on the level of emissions which are permitted over a 5-year period) and climate action plans. In connection with these duties, the Act places a range of reporting requirements on Northern Ireland departments, including the development and publication of sectoral plans, and also progress reports and statements.

As detailed in section 1.1 of this chapter, section 42 of the Act in particular places a duty on DAERA to make new regulations which will require climate change reporting by specified public bodies. There are no requirements or powers in the Act to require public bodies (outside of Northern Ireland departments) to take actions beyond the action of climate change reporting.

1.4.2 The UK Climate Change Act 2008

The UK Act commits the UK to reduce net GHG emissions by at least 100 per cent below 1990 levels by 2050 (also known as 'UK net zero'). It is implicit within that Act that Northern Ireland contributes equitably to achieving UK net zero.

This Act also requires the UK Government to produce 5-yearly climate change risk assessments ('CCRAs'). The CCRAs set out the current and predicted impacts of climate change risks to all of the UK (including Northern Ireland) and they are informed by 5-yearly independent evidence reports, which are provided by the UK Climate Change Committee ('the CCC'). The CCC are the independent statutory body that provide expert climate change advice to the government of the UK and its devolved administration governments including Northern Ireland. The latest [UK CCRA](#) and the latest CCC's [evidence report \(summary\)](#) for Northern Ireland are publicly available.

The UK Act also requires Northern Ireland government departments to lay before the Assembly, 5-yearly climate change adaptation programmes. These programmes (also known as 'NICCAPs') are required to set out the departments' objectives, proposals and policies, including the time scales for their introduction, to address the relevant risks specific to Northern Ireland which are identified in the most recent UK CCRA. The current cross-departmental 5 year [NICCAP](#) is publicly available. This programme also contains a voluntary chapter from local government and civil society, containing some of their responses to their climate change risks. The next 5-year NICCAP is currently under development and is expected to be published in autumn 2024 by DAERA on behalf of all the Northern Ireland departments.

1.5 Current Reporting - in Other Jurisdictions and in Northern Ireland

Climate change reporting requirements placed on public bodies in other jurisdictions are highly varied. Only a few governments have set requirements on some of their public bodies (outside of their government departments or equivalent) to report on climate change.

1.5.1 UK, Scotland, Wales, Republic of Ireland and Isle of Man

The UK government, the governments of Scotland, Wales, the Republic of Ireland and the Isle of Man were identified as having a degree of public body reporting, although they take varied approaches to climate change reporting requirements. The table in annex 2 of this consultation

document provides an overview of these differing public body climate change reporting regimes and approaches within other government jurisdictions.

The Scottish and Irish governments set through their legislation, specific climate change commitments and duties on all of their public bodies. However, only a selection of their public bodies are required to report annually against these duties (which covers mitigation and adaptation reporting). Scotland for example, apply a criteria-based proportionality approach to identify which of their public bodies should report. The public bodies that report are referred to in Scottish policy as 'major players', who fall within the following criteria by having:

- large estates and large numbers of staff;
- a high impact and influence;
- large expenditure; and/or
- an auditing or regulatory function.

In contrast, the UK government under the UK Act implements 5-yearly voluntarily adaptation reporting only by public bodies who are critical infrastructure providers (in England, Scotland and Wales). While the Isle of Man requires annual mitigation reporting only by public bodies who are listed in their Freedom of Information Act 2015. The Welsh government has identified through their policy, sixty of their public bodies from the public sector who voluntarily report annually on mitigation. No government jurisdictions apply an exemption approach to public body reporting (see section 4.3 and annex 2).

1.5.2 Northern Ireland

Some Northern Ireland public bodies may already do a level of climate change related reporting through a wide variety of other established reporting regimes such as:

- voluntarily reporting to a climate change reporting charity;
- mandatory reporting through legislation such as the climate-related financial reporting required under the Companies Act 2006; and/or
- reporting on their functions directly to Northern Ireland departments to help those department(s) meet their duties or reporting requirements under the Act, the UK Act or under other government or departments' policies and strategies.

1.6 Section 42 - Climate Change Act (Northern Ireland) 2022

1.6.1 Timeline

Section 42 of the Act requires the future regulations, which will place reporting duties on specified public bodies, to be operational before 6th December 2023. These regulations will require approval by a future DAERA Minister and Northern Ireland Executive before they are made.

1.6.2 Definition of a Public Body

The definition of ‘public bodies’ under section 42 of the Act is very wide. The Act does not require all public bodies which fall within its definition to report under the new regulations, and it does not require reporting by the public sector in its entirety. Those specified public bodies, which will be required to report under the new regulations, will be listed in those regulations.

The Act defines a ‘public body’, in section 42(2), as:

“(a) a person or body with functions of a public nature”

A ‘person or body with functions of a public nature’ is a very wide concept which is not defined in the Act. It can extend beyond the range of core government bodies and departments into public authorities and any person (legal or natural) who has responsibility, whether from a statutory source or not, for exercising any function on behalf of the public or a section of the public. In determining whether a function is of a public nature, there is no single test of universal application.

The Act also defines a ‘public body’, in section 42(2), as:

“(b) a person who is a statutory undertaker within the meaning of the Planning Act (Northern Ireland) 2011 (see section 250 of that Act)”

‘statutory undertakers’ - as defined in section 250(1) of the Planning Act (Northern Ireland) 2011 means - “persons authorised by any statutory provision to carry on any railway, road transport, water transport, inland navigation, dock or harbour undertaking, or a gas undertaker or an electricity undertaker, or a universal service provider (within the meaning of the Postal Services Act 2000 (c. 26)) in connection with the provision of a universal postal service (within the meaning of that Act) or the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994 (NI)) of any airport to which Article 25 of that Order applies or a water undertaker or sewerage undertaker.”

Chapter four discusses the matters around applying this definition.

1.6.3 Requirements for Climate Change Reporting Duties

Section 42 of the Act sets out the climate change reporting duties that the future regulations may impose on specified public bodies. These duties include those bodies preparing reports containing the following:

- i. an assessment of the current and predicted impact of climate change in relation to the body's functions;
- ii. a statement of the body's proposals and policies for adapting to, or mitigating the effects of, climate change in the exercise of its functions;
- iii. a statement of the timescales for implementing those proposals and policies; and
- iv. an assessment of the progress made by the body towards implementing the proposals and policies set out in any previous reports prepared under the regulations.

The Act also gives powers for the future regulations to include a requirement for the specified public bodies, when preparing the reports, to have regard to the:

- i. most recent report under section 56 of the UK Climate Change Act 2008 (i.e. the latest UK CCRA);
- ii. most recent 5-yearly programme under section 60 of that Act (i.e. the latest NCCAP); and
- iii. desirability of co-ordinating the body's proposals and policies for adapting to or mitigating the effects of climate change with corresponding proposals and policies of bodies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere.

How the future regulations could address these matters is explored in sections 3.2 and 3.3 of this document.

1.6.4 Further Reporting Requirements

Section 42 of the Act gives powers for the future regulations to:

- set the time periods which the reports must cover;
- set dates when reports must be prepared and submitted by the specified bodies;

- provide allowances for co-operation between public bodies in the preparation of a report; and
- provide allowances for the preparation of a joint report by two or more specified public bodies.

How the future regulations could address these issues is explored in sections 3.4 and 5.1 of this document.

Chapter Two: Pre-consultation Engagement with Public Bodies

This chapter covers the scoping work carried out by DAERA to help identify who, or which organisations, could be classified as a ‘public body’ within the meaning of the Act. It also provides some detail on a pre-consultation engagement exercise undertaken by DAERA with public bodies, and a summary of views which were gathered through this exercise.

2.1 What is a ‘Public Body’ in Northern Ireland?

DAERA officials conducted a policy and legislation review to help identify which organisations could be defined as a ‘public body’ within the meaning of section 42 of the Act, as the Act does not identify who they are. Unlike other jurisdictions (e.g. Scotland) Northern Ireland does not have a ‘national directory of public bodies’. The Act also, does not require reporting duties to be placed on a pre-existing list of public bodies which had already been compiled and/or specified under other legislation.

The Act states that a public body could be a person or body who has ‘functions of a public nature’, and no further definition is provided in that regard (see section 1.6.2). There is not a standard agreed definition for ‘functions of a public nature’ or ‘public bodies’ within other Northern Ireland legislation and policy.

DAERA identified the following sources (hyperlinked below) which contain lists of recognised public bodies in Northern Ireland:

- [The Equality Commission \(regarding section 75 of the Northern Ireland Act 1998\)](#);
- [The Public Services Ombudsman](#);
- [The Commissioner for Public Appointments](#); and
- The Northern Ireland Civil Service [list of bodies subject to Department of Finance public procurement policy](#).

This research identified a starting point of over 400 public bodies which could, potentially, be a ‘public body’ within the meaning of section 42 of the Act. They cover a wide range and scope of organisations, with vast differences in sizes and functions.

2.2 Pre-consultation Workshops

DAERA undertook a series of pre-consultation workshops with public bodies in the last quarter of 2022, to gather their views on what the regulations could look like, and to help inform this consultation. A total of 151 attendees participated in the workshops. Most of these attendees were representatives from a broad range of different types of public bodies. There was also attendance by some key stakeholders who had a particular interest in climate change reporting by public bodies.

The workshops were grouped into the following focus areas:

- Housing and Built Environment;
- Health, Education, Emergency Services and Social Care;
- Local Councils;
- Infrastructure, Transport and Energy; and
- Regulators, Funders, Arts, Culture, Sport / others.

During these workshops, views were sought on:

- i. Which public bodies should be specified to report under the new regulations.
- ii. What should be reported on - i.e. questions which could be asked as part of climate change reporting.
- iii. The timeline for public bodies providing their completed reports.
- iv. Whether the reporting should be mandatory, voluntary or a combination of both.
- v. How the reporting information provided under the future regulations could be used.
- vi. The type of support specified public bodies might need to help them to produce their reports.

2.3 Advisory Group

DAERA established an advisory group, comprising of key public bodies which already have an established level of climate change reporting experience. The CCC also attended these meetings. The purpose of this group was to seek views to help inform the pre-consultation workshops detailed in section 2.2 above, and to help inform this consultation document,

as well as the future regulations. The group met twice - once before the pre-consultation workshops, and once again after the workshops completed, to discuss some of the feedback and to provide the group's further related views.

2.4 Feedback from the Workshops and the Advisory Group

Analysis of all the views gathered is ongoing, however, the following points provide a summary of examples of the views collected from stakeholders participating in the pre-consultation exercise (both the workshops and the advisory group meetings):

- i. Some indicated that the reporting regime set by the future regulations should be transparent, consistent, and as simple / user-friendly as possible.
- ii. Some thought that all public bodies should do some level of reporting, while others suggested that a proportionality or an exemptions approach should be applied in deciding which bodies should have to report under the new regulations.
- iii. Mixed views were received on the frequency and timing of reporting. Some felt that reporting should be mandatory and should begin as soon as possible. Some suggested annual or more frequent reporting, and others suggested less onerous requirements for example reporting at 2, 3, and/or 5 year intervals (i.e. 5-year adaptation reporting aligning with 5-year UK CCRA cycles).

Chapter Three: Content of Reports and Reporting Cycles

This chapter covers matters relating to what the climate change reports by specified public bodies could contain, as well as discussion on how frequently and when reporting might be required. This chapter also refers to example draft regulations within annex 3 to help inform views on the matters discussed in this chapter, by showing what the regulations could look like for illustration purposes only.

3.1 General Considerations

Climate change reporting is naturally an iterative process. As reporting cycles are implemented, and the resulting data sets grow and mature, it is expected that reporting abilities and the quality of reported data will also improve. There will also be changes in data and information needs over reporting cycles due to for example - changing policy and advancements in climate change understanding and technology. It is therefore expected that the reporting regime put in place under the future regulations will need to evolve over time and often quickly to accommodate these changes. In consideration of this, it would be prudent that the new regulations implement a reporting regime which in the future, could be updated and adapted accordingly while still delivering and remaining within scope of section 42 of the Act.

3.2 Content of Climate Change Reports

As set out in section 1.6.3, there are powers in section 42 of the Act to make regulations, which set climate change duties that require specified public bodies to prepare reports, which contain:

- i. an assessment of their current and predicted impacts of climate change, in relation to its functions;
- ii. a statement of their proposals and policies to address those impacts identified, and to reduce the body's GHG emissions;
- iii. their timescales for implementing those proposals and policies; and
- iv. an assessment of their progress made towards implementing the proposals and policies set out in any previous reports.

Regulations 4(1) and 5(1) of the example draft regulations in annex 3 illustrate how these types of provisions could deliver on the above requirements in points (i) - (iv) by requiring the specified public bodies to develop adaptation and mitigation reports.

In addition, regulation 5(1) also contains a provision that would require a mitigation report to include a statement of the specified body's total GHG emissions and sources for each of the two preceding financial years (covering 1st April - 31st March) of the submission date of the report. This would help the body to deliver on regulation 5(2) which sets out the requirement and method for that body to report on its progress in reducing its emissions in comparison to its previous report(s).

3.3 Matters to Have Regard to During Report Development

As set out in section 1.6.3 there are powers in section 42 of the Act to set provisions in the future regulations for specified public bodies, when developing their reports, to have regard to these three elements:

1. the most recent UK CCRA*;
2. the most recent NICAPP*; and
3. the desirability of coordinating the body's proposals and policies, with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere.

(*See section 1.4.2 for more detail on UK CCRA's and NICAPP's.)

Regulation 7 of the example draft regulations provides an illustration of the type of provisions that could cover these matters.

3.4 Frequency and Timing of Reporting

Section 42 of the Act gives powers for the regulations to set the time periods which the climate change reports must cover, and when these reports must be prepared and submitted by the specified public bodies.

Section 3.4.1 below provides a list of some of the key considerations when deciding frequency and timing of reporting. Expert independent advice from the CCC to DAERA has also been provided at section 3.4.2 regarding the frequency and timing of reporting.

3.4.1 Key Considerations

Climate change action is needed now by everyone including public bodies, to tackle the climate change emergency. Reporting by public bodies can be a key tool and driver to inform the rapid and effective action that is needed. Therefore, the information and data which is collected under the future regulations must not only be relevant and useful, but it must also

be reported in a timely manner. When forming views on the frequency and timing of reporting cycles to be set within the future regulations, consultees are asked to consider the following key aims.

The aims (and needs) which would be key for the regulations to deliver on, when setting the frequency and timing of reporting cycles, include that the regulations should:

- i. Implement a consistent approach.
- ii. Encourage and enable specified public bodies to send a strong signal of timely accountability and transparency.
- iii. Ensure meaningful data is collected, by allowing sufficient run-in time to see actions embed and progress being made between reporting periods, with the ability to compare / showcase progress from previous reports.
- iv. Balance climate action with climate reporting - ensuring that the burden of frequency of reporting requirements do not divert focus and resources away from much needed actions to address climate change impacts, and reduce emissions.
- v. Minimise the risk of reporting fatigue by public bodies, by ensuring frequency and timing of reporting cycles are not unnecessarily overly burdensome on resources, cost and time. This in turn could minimise the risk of a significant burden on compliance pressures and administration, and also increase and enable better quality of reporting by the bodies.
- vi. Ensure the data is available at the times when it is needed, so that it can be used to inform both public bodies themselves, and government.

3.4.2 Independent Expert Advice on Frequency and Timing of Reporting

The CCC have said that actions and especially policy for both tackling the causes of climate change (i.e. mitigation) and adapting to its impacts and risks can have long lead in times before they are embedded, and the results and benefits are seen. This is particularly true of adaptation. The CCC have provided the following advice (received by DAERA) regarding the timing of reporting cycles for adaptation and mitigation to be set within the future regulations.

CCC Advice on Adaptation Reporting

Frequency: The CCC have advised that reporting on adaptation should take place every 5 years. They have said that 5-yearly reporting is considered an appropriate interval at which to reassess climate risks, as the type and magnitude of climate risks facing an organisation

are unlikely to change significantly on a year-to-year basis. Likewise, the observation that adaptation actions take time to identify, fund and implement, similarly supports 5-yearly adaptation reporting, to provide meaningful updates on progress and to identify new adaptation priorities. They have also said that 5-yearly reporting removes the risk of overly burdensome and unnecessary reporting and is consistent with similar reporting in other nations e.g. the adaptation reporting power¹ under the UK Act.

Timing: The CCC recommended that the timing of provision of the adaptation reports by public bodies should align with development of the CCC's five-yearly evidence reports, which inform the five-yearly UK CCRA required under the UK Act (see section 1.4.2). This is because the information collected under the future regulations could be used to help inform these CCC evidence reports. The CCC have recommended that they would require the first of these adaptation reports from specified public bodies to be provided to them, at the latest, by January 2025 - March 2025 so they can be incorporated into the evidence base which will inform the next (and fourth) UK CCRA.

The CCC have also advised that a risk assessment and an adaptation action plan within scope of section 42 of the Act should be provided at the same time by a public body when reporting. They said this is necessary, to provide better insight, and full understanding into whether climate risks will be appropriately managed by a particular specified public body.

CCC Advice on Mitigation Reporting

The CCC have said that reporting every 5 years on mitigation should be a minimum. However, they also advised that every 5 years would likely be too infrequent to drive the rapid progress needed to see any difference in cutting emissions, and it would not be enough to build a robust database (for mitigation). It was also their perspective that reporting every year (annual reporting) on mitigation by public bodies would not be necessary.

¹ The UK Climate Change Act 2008 gives the UK Secretary of State the power to direct reporting authorities (bodies with "functions of a public nature" and "statutory undertakers") to produce reports on what they are doing to adapt to climate change. The power is referred to as the "Adaptation Reporting Power".

3.4.3 Frequency and Timing in the Example Draft Regulations - Adaptation Reports

Regulation 4 of the example draft regulations in annex 3 shows the type of provisions which would require 5-year adaptation reports to be developed by specified bodies, and that these reports must be submitted to DAERA. Consultees should note that there are many possible variations of reporting timing and cycles, which could be set within the future regulations. The example draft regulations, provides just one version of many of these variations.

Regulation 4 would require the following:

The first reporting cycle

- The first adaptation reports developed by specified public bodies would cover the period from 1st January 2025 to 31st December 2029.
- These first reports would be required to be submitted to DAERA by 31st January 2025.

The second reporting cycle

- The second adaptation reports developed by specified public bodies would cover the period from 1st January 2030 to 31st December 2034.
- These second reports would be required to be submitted to DAERA by 31st January 2030.

The third and subsequent reporting cycles

- The third and subsequent adaptation reports would repeat the cycle described for the second reporting cycle in terms of being submitted every five years consecutively after the previous report.

Discussion

Frequency and timing of submissions of adaptation reports: The example regulations align with the expert independent CCC's advice in section 3.4.2 in terms of:

- reports will be available on time to inform the CCC's evidence reports for the 5-yearly UK CCRA and NICCAPs required under the UK Act;
- reporting frequency aims to be enough that progress of actions and impacts could be viewed/assessed in comparison to previous reports;
- reporting frequency is expected to minimise the risk of overly burdensome reporting; and
- climate risk assessment and adaptation plans are reported together at the same time.

Timing of when the first adaptation report is due: The Act requires the regulations to be operational before 6th December 2023. The timing of the submission of the first adaptation report by public bodies to DAERA in the example regulations aims to:

- I. allow for a reasonable period for any required training and capacity building within public bodies;
- II. allow time for public bodies to gather the information needed and to secure their own necessary organisational approvals and validations prior to submitting their reports;
- III. be achievable for the wide range of types and sizes of public bodies that will be required to report with varying resource availability; and
- IV. inform the CCC's evidence report for the future fourth UK CCRA.

3.4.4 Frequency and Timing in the Example Draft Regulations - Mitigation Reports

Regulation 5 of the example draft regulations in annex 3, shows the type of provisions which would require mitigation reports to be developed by specified bodies, and that these reports must be submitted to DAERA.

Regulation 5 would require the following:

The first reporting cycle

- The first mitigation reports developed by public bodies would be required to be submitted to DAERA by 31st October 2025.
- The public bodies GHG emissions data to be provided within these reports, would cover the financial year period of 1st April 2024 to 31st March 2025.

The second reporting cycle

- The second mitigation reports developed by public bodies would be required to be submitted to DAERA by 31st October 2027.
- The public bodies GHG emissions data to be provided within these reports would cover two financial year periods i.e. from 1st April 2025 to 31st March 2026, and from 1st April 2026 to 31st March 2027.

The third and subsequent reporting cycles

- The third and subsequent mitigation reports would repeat the cycle described for the second reporting cycle in terms of being submitted biennially (every two years) after the previous report. The third and subsequent reports shall include the relevant two financial year periods (1st April to 31st March) of GHG emissions data following chronologically from the previous report.

Discussion

Frequency and timing of submission of mitigation reports: This example aligns with the expert independent CCC's advice in section 3.4.2 in terms of:

- reporting is more frequent than every five years, but not as frequently as every year (but aims to be frequent enough to inform and drive climate action);
- reporting frequency aims to be enough that progress of actions and impacts could be viewed/assessed in comparison to previous reports; and
- reporting frequency is expected to minimise the risk of overly burdensome reporting.

Timing of when the first mitigation report is due: The Act requires the regulations to be operational before 6th December 2023. The timing of the submission of the first mitigation report by public bodies to DAERA in the example regulations aims to:

- I. allow for a reasonable period for any required training and capacity building within public bodies;
- II. allow time for public bodies to gather the information needed and to secure their own necessary organisational approvals and validations prior to submitting their reports; and
- III. be achievable for the wide range of types and sizes of public bodies that will be required to report with varying resource availability.

The suggested date of submission of the first report in the example regulations, has been informed by early analysis of the views gathered from the series of pre-consultation workshops carried out by DAERA (see section 2.2 - 2.4).

3.5 Your Views on the Matters in this Chapter

This consultation asks a series of questions which are included in annex 1. For your ease of reference while you are developing your views and responses, the questions which relate to the content in this chapter are provided below. When considering your views to these questions it is recommended you take into consideration in particular, sections 3.2 and 3.4. You may also wish to consider the example draft reporting template which is discussed in chapter 6 and provided in annex 5. This is because the example draft template provides an illustration of the type of information which public bodies could be required to provide in their reports under the future regulations.

We would welcome your responses to questions 1 - 6.

1. How often do you think specified public bodies should provide their adaptation reports?

- Annually
- Every 2 years
- Every 3 years
- Every 4 years
- Every 5 years*
- Other

(*Aligns with the independent expert climate change advice from the CCC - see section 3.4.2).
Please provide your reasons for your chosen response.

2. When should specified public bodies be required to provide their first adaptation report?

- By end of January 2025*
- By end of March 2025*
- Later than March 2025 (please specify month and year)
- Other (please specify month and year)

(*Aligns with the independent expert climate change advice from the CCC- see section 3.4.2).
Please provide your reasons for your chosen response.

3. How often do you think specified public bodies should provide their mitigation reports?

- Annually
- Every 2 years*
- Every 3 years*
- Every 4 years*
- Every 5 years
- Other

*(*Aligns with the independent expert climate change advice from the CCC- see section 3.4.2).*
Please provide your reasons for your chosen response.

4. When should specified public bodies be required to submit their first mitigation report?

- By end of October 2025
- Later than October 2025 (please specify month and year)
- Earlier than October 2025 (please specify month and year)

Please provide your reasons for your chosen response.

5. Do you agree that the time period for which emissions data must be provided, by specified public bodies in their mitigation reports, should cover financial years? (i.e. periods from 1st April to 31st March)

- Yes
- No - please provide your reasons and any suggested alternative.

6. If you have any other views on the frequency and timing of reporting which should be set under the future regulations, please provide them below.

Chapter Four: Which Public Bodies Should be Specified in the Regulations

This chapter covers matters relating to potential methods on how to identify which public bodies should be specified in the future regulations as having to report, and who those bodies should be. This chapter also refers to example draft regulations within annex 3 to help inform views on the matters discussed in this chapter, by showing what the regulations could look like for illustration purposes only.

4.1 Key Considerations

Section 42 of the Act requires that the regulations contain a specified list of public bodies who will be required to report, and it provides the meaning of a public body (see section 1.6.2 of this document for more detail). The Act, however, does not specifically name the public bodies to be specified or how to identify which public bodies should be specified

4.2 The Case for Proportionality

Public bodies in Northern Ireland have widely ranging sizes, functions, and scales of carbon footprints, etc. Currently over 400 organisations have been identified as public bodies under the meaning of the Act (see section 2.1). Placing reporting duties in a proportionate manner would aim to ensure that the duties are applied where it will be most effective in supporting, driving and encouraging climate action and to help deepen understanding of how and where to target climate actions most effectively.

As discussed in section 1.5.1, other government jurisdictions apply a level of proportionality to identify which of their public bodies report (either voluntarily or mandatorily) on mitigation, adaptation or both. They either use a list set out in other legislation, or they apply a criteria-based proportionality approach, or another proportionality approach- such as only their critical infrastructure providers shall report. Applying an appropriate proportionality approach could ensure those bodies which can make a significant difference in reducing Northern Ireland's emissions, and increasing its adaptation to climate change, do report under the future regulations.

A proportionality approach to who should report in Northern Ireland is also supported by the issue that the scale and complexity of carbon footprints of public bodies tends to correspond with their sizes and types of functions. Essentially, at one extreme some very small 'public bodies' in Northern Ireland are at a scale which could include one-person organisations, with no premises or property, or committees whose only activity is convening twice a year in a meeting room owned by another organisation. As such, requiring all of Northern Ireland's

public bodies to report would likely be disproportionate, as it could create a large burden on these very small bodies, who have little climate change related impacts and risk issues, and/or a very low carbon footprint, i.e. they produce minimal emissions. This contrasts strongly with the other end of the scale, where some public bodies are vast, with substantial emissions across a wide range of sources, associated with huge staff numbers, budgets, fleets of vehicles, and/or estates. Many of these organisations provide critical services in Northern Ireland such as infrastructure (water, energy, roads), security and emergency services for example. It is vital that these types of organisations adapt, and become resilient to a changing climate, so that they can maintain and deliver their critical services effectively. Therefore, climate change reporting by these bodies would likely be very important.

In consideration of the matters discussed in this section, two proportionality approaches (an 'exemptions approach' and a 'criteria-based proportionality approach') which could be used to specify who should report, are discussed below in sections 4.3 and 4.4.

4.3 Exemptions Approach

Some of the views gathered from DAERA's pre-consultation workshops with public bodies (see sections 2.2 - 2.4) included a preference for all public bodies to be required to report in the future regulations, with an option for them to 'opt-out' of reporting under certain conditions.

Developing such an opt-out process, which is also referred to as an 'exemptions approach', would likely be a complex task, due to the wide variety of sizes, functions and scope of public bodies. **The complexities of developing a thoroughly considered, fit for purpose exemptions approach, to be placed in the regulations, would present a significant risk to being able to deliver the required new regulations within the statutory timelines.** It should be noted also that currently **no other government jurisdiction applies an 'exemption approach' to climate change reporting by public bodies** (see section 1.5.1).

Views were also expressed by some attendees to the pre-consultation workshops, as well as by other government administrations and by the CCC, that the new reporting regime under the regulations should be non-complicated. Applying an exemption approach in the regulations may make it more difficult to deliver a non-complex reporting regime.

4.4 Criteria-based Proportionality Approach

The development and application of a criteria-based proportionality approach is currently being explored to identify who should be required to report under the new regulations. This is because, a criteria-based proportionality approach would likely have lower levels of complexities than an exemptions approach, and therefore a lower risk in terms of delivering the regulations within the statutory timelines. Also, it is an approach which is used in other jurisdictions in relation to climate change reporting by public bodies (see section 1.5.1).

It is important to note that using a criteria-based proportionality approach would not prevent voluntary reporting by public bodies who are not specified in the future regulations if they wish to do so.

A criteria-based proportionality approach would aim to ensure that the reporting duties under the new regulations are targeted in a way that most benefits Northern Ireland by ensuring that:

- key bodies are required to report, such as potential major contributors of GHG emissions, major influencers on others in terms of tackling climate change (i.e. influencing communities or other organisations to reduce emissions or to adapt), or critical service providers; and
- reporting will provide the most meaningful data to inform the development of government policies and actions on climate change.

4.5 Proportionality Criteria - Example

To help inform consultees in their considerations of a criteria-based proportionality approach, an example for such an approach (i.e. criteria) are provided in the points 1-6 of this section. Annex 4 provides in-depth discussions of each of the example proportionality criteria in these points 1-6 and it should be read in conjunction with this section. *(Please note that the use of a criteria-based proportionality approach does not represent any confirmed government policy or position, rather that these 'suggestions' are provided as a starting point for discussion of these issues.)*

Example proportionality criteria

Public bodies to be specified in the future regulations, in order to place reporting duties on them, could be those which:

1. have high impact and/or influence;
2. have large estates and/or large numbers of staff;
3. have large expenditure;
4. have auditing or regulatory functions;
5. are a critical/key infrastructure or service provider; and
6. are not a Northern Ireland government department (or one of their Executive agencies)* but they do fall within one or more of the other criteria (criteria 1-5).

*(*The Act outside of section 42, already places much wider climate change duties and a range of reporting requirements against those duties on Northern Ireland departments- see section 1.4.1.)*

4.6 Example List of Specified Public Bodies

The schedule in the example draft regulations in annex 3 contains an example of a list of public bodies which could have reporting duties placed upon them. This illustrative list was part-informed by a scoping review carried out by DAERA (see section 2.1), and by early analysis of the views gathered from DAERA's pre-consultation workshops (see sections 2.2 - 2.4). The bodies listed in this schedule are suggested to potentially fall under one, or more, of the example proportionality criteria set out in points 1- 6 in section 4.5. However, it has not yet been possible to obtain complete, exact or entirely up-to-date information, like the size of annual budgets and staff numbers, for all of the bodies in the example list. Also, the views collected from this consultation will help inform a DAERA Minister and Northern Ireland Executive decision on which public bodies should be listed in the future regulations as having reporting duties placed on them. Therefore, the example draft list in the schedule of the draft example regulations is for discussions purposes only, subject to change, and is not exhaustive.

4.7 Your Views on the Matters in this Chapter

This consultation asks a series of questions which are included in annex 1. For your ease of reference while you are developing your views and responses, the questions which relate to the content in this chapter are provided below.

We would welcome your responses to the following questions 7 - 10:

7. How do you think the specified public bodies (who will have a duty to report under the regulations) should be identified?

- A criteria-based proportionality approach should be applied
- An exemptions approach should be applied
- A different approach should be applied (please specify)

Please provide your reasons for your chosen response.

8. If a criteria-based proportionality approach is used in the future regulations, which criteria do you think should be included for specifying public bodies?

Please tick all that apply.

- High impact
- High influence

- Large estates
- Large numbers of staff
- Large expenditure
- Auditing or regulatory functions
- Critical / key infrastructure or service provider
- Other (please specify)

Please provide any comments you may have on your chosen response.

9. Do you agree that all of the public bodies listed, in the schedule of the example draft regulations, should be required to report under the future regulations?

- Yes - all
- Yes - but additional bodies should be included (please specify/name those bodies)
- Partially agree - but some bodies should be removed/not specified (please specify/name those bodies)
- No - none of these bodies

Please provide your reasons.

10. (For North/South Implementation Bodies) Do you foresee any practical problems with dividing up the exercise of your functions in Northern Ireland, in order to report under the future regulations?

- Reporting on our Northern Ireland functions would be straight-forward
- Reporting on our Northern Ireland functions would present a moderate but manageable level of challenge
- Reporting on our Northern Ireland functions would present extreme difficulty

Please provide your reasons.

Chapter Five: Reporting Duties - Further Elements to be Included in the Regulations

This chapter discusses the potential for allowances for both co-operation between public bodies in preparing a particular specified body's report, and for the development of a joint report between two or more specified public bodies. It also discusses potential requirements for the 'form' and the 'publication' of the reports. Allowances for DAERA to issue guidance to help support specified bodies in fulfilling their reporting duties is also covered.

This chapter also refers to example draft regulations within annex 3 to help inform views on the matters discussed in this chapter, by showing what the regulations could look like for illustration purposes only.

5.1 Co-operation and Joint Reports

There may be times when public bodies have a need for co-operation in the preparation of their reports under the future regulations. An example would be a situation where one or more of the specified public bodies may need to share relevant data and information with another body, to help that body populate their report. The provision in regulation 8 of the example draft regulations in annex 3 provides an illustration of the type of provision which could help deliver on this need.

There may also be times when it is more appropriate for two or more public bodies to provide a single, joint report to meet their climate change duties. Regulation 9 of the example draft regulations gives an illustration of how this could be potentially provided for.

Discussion

The illustrative provisions in regulation 8 and 9 could have a range of benefits if included in the future regulations. One example being that they could assist public bodies in avoiding 'double-accounting' of actions taken, where the functions or actions of two public bodies might intersect through shared operational or functional boundaries.

5.2 The Form of the Reports

The example draft regulations in annex 3 illustrates the type of provisions which would require public bodies to submit their reports in an electronic format to DAERA (see regulation 4(4), and the provided definition of the term 'sent' in the regulations).

DAERA is exploring the provision of a digital, online portal after the regulations are made, for public bodies to enter their relevant data into, to help them meet their climate change reporting

duties. It would be envisioned that the portal would provide the electronic 'form' and 'template' of the reports to be submitted to DAERA.

The digital online reporting portal would be expected to include a built-in reporting template of relevant questions. It would likely also include any required formulae, tools and methodologies. The supporting guidance which DAERA is currently considering developing (see section 5.4), would include (amongst other matters) explanation of how to use the portal.

5.3 Publication of the Reports

There are many reasons why it is important that the reports are made available to the public. These include but are not limited to:

- the public's information awareness on climate change action by these bodies;
- enabling accountability and transparency by those specified public bodies; and
- promoting and sharing best practice, to support ongoing improvements in the effectiveness of climate actions etc. across all public bodies.

Regulation 10 in the example draft regulations (see annex 3) illustrates the type of provision that could provide for publication of the reports by DAERA.

In practical terms, publication could be done through a 'submit and publish' button, on an online reporting portal (see section 5.2). The practicalities of where the reports are published could be set out in supporting guidance after the regulations are made.

5.4 Supporting Guidance

The development of supporting guidance for specified public bodies, on how to comply with their reporting duties, is being considered by DAERA. Such guidance would include detail or instructions to the specified bodies on how they should prepare and populate their reports. This would include guidance on the types of information and data to be provided, what the reporting boundaries are, the methodologies and tools to be used, etc.

It is typical for guidance of this nature to be published after the regulations on which it is based have been finalised and come into operation. Such guidance would be expected to be published in adequate time before the first reports are due for submission.

The example draft regulations in annex 3 include an illustration of the type of provisions (see regulation 6) which would enable DAERA to develop and issue supporting guidance to public bodies.

5.5 Your Views on the Matters in this Chapter

This consultation asks a series of questions which are included in annex 1. For your ease of reference while you are developing your views and responses, the questions which relate to the content in this chapter are provided below.

We would welcome your responses to the following questions 11 - 14:

11. Do you think that the future regulations should allow flexibility for public bodies to share data and/or information with each other, in order to comply with their reporting duties?

- Yes
- No
- Don't know

Please provide your reasons.

12. Do you think that the future regulations should allow flexibility for two or more public bodies to provide a single, joint report?

- Yes
- No
- Don't know

Please provide your reasons.

13. Which format do you think the future regulations should require reports to be submitted in?

- Online portal
- Electronic form & email
- Other (please specify)

14. Where do you think the future regulations should require reports to be published?

- On the DAERA website only
- On the specified public bodies' websites only
- On both DAERA and the specified public bodies' own websites

Chapter Six: Reporting Template

This chapter discusses matters regarding the potential development of a reporting template which would contain a series of questions for public bodies to complete to help them deliver on their reporting duties after the future regulations are made.

6.1 Development of a Reporting Template

DAERA is considering developing a reporting template after the regulations are made, for public bodies to use to assist them in delivering on their climate change reporting duties. The reporting template would contain a series of questions covering the required climate change reporting matters and themes set out in the future regulations. These questions would direct the specified public bodies on what type of information and data they would need to provide within their reports under their climate change reporting duties. It would be expected that the reporting template, would be included in both future supporting guidance (see section 5.4), and embedded into a future online reporting portal (see section 5.2).

Attached in annex 5 is an example of a draft reporting template with a list of climate change questions which are expected to be within the scope of section 42 of the Act. This template is for illustrative purposes only, to help inform views on what a reporting template could contain.

The example questions in the template have been collated and developed from a review of the type of questions used in climate change reporting within other regimes undertaken in Northern Ireland, Scotland, Wales, the Republic of Ireland and the Isle of Man. Views gathered at the pre-consultation workshops undertaken by DAERA with public bodies (see sections 2.2 - 2.4) have also helped to inform the development of these example questions.

The example draft reporting template in annex 5, consists of five parts of grouped lists of questions covering the following areas:

Part 1 - Profile of Reporting Organisation(s);

Part 2 - Climate Change Management and Governance;

Part 3 - Adaptation: Climate Change Risk Assessments and Adaptation Action Plans and Progress;

Part 4 - Mitigation: Emissions Statements and Emission Reduction Plans and Progress;
and

Part 5 - 'Validation of Report'.

Parts 1, 2 & 5 of the example draft reporting template contains questions which would relate to both the adaptation reports and the mitigation reports.

Part 3 of the template contains questions which would only relate to adaptation reports, and Part 4 contains questions which would only relate to mitigation reports.

6.2 Your Views on the Matters in this Chapter

This consultation asks a series of questions which are included in annex 1. For your ease of reference while you are developing your views and responses, the questions which relate to the content in this chapter are provided below.

We would welcome your responses to the following questions 15 - 16:

15. (For organisations) Do you think that your organisation could currently provide the level of detail requested in the example draft reporting template?

- Yes, we could provide all the detail
- Yes, we could provide some of the detail
- No, we could not provide any of this detail at this time

Please explain your answer.

16. Are there any questions in the example draft reporting template, which you think should be amended, removed or any further questions to be added?

(Consultees are reminded that the future regulations must stay within the scope of section 42 of the Act (covered in section 1.6), and any future reporting template would be based on the content of the regulations)

- Amend questions (please specify)
- Remove questions (please specify)
- Further questions to be added (please specify)
- No amendments required

Please provide any reasons, as relevant.

Please note there are a further 5 questions for consultees to consider in this consultation (see questions 17 - 21 in annex 1).

These further questions seek views on:

- Potential support specified public bodies may need to meet their reporting duties under the future regulations (e.g. guidance or training);
- Potential validation of reports; and
- Estimations of resource implications from future reporting requirements.

The questions also cover an invitation to consultees to comment on any issues raised in the consultation and on any issues not covered by this consultation.

Chapter Seven: Publication of Responses

7.1 Confidentiality

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation may be disclosed on request. The Department can refuse to disclose information only in exceptional circumstances.

Before you submit your response, please read the paragraphs below on the confidentiality of consultations as these provide guidance on the legal position of any information given by you in response to this consultation. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

7.2 Data Protection

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this consultation exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation.

7.3 Freedom of Information

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority (the Department in this case). This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature;

- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office:

Telephone: 0303 123 1113

Email: ni@ico.org.uk

Website: <https://ico.org.uk/>

Annex 1: Consultation Questions

A full list of consultation questions is provided in this annex for your ease of reference only. Please provide your answers online through citizen space, if possible. To help us to process the responses quickly, please aim to keep your answers to the consultation questions as concise as possible.

First, please tell us ‘About You’, to help us analyse the responses.

A. (Optional) What is your name?

B. What is your email address?

C. Are you representing an organisation, or are these your personal views?

Organisation (please tell us the name of your organisation)

Personal response

D. What area do the functions of your organisation fall under?

E. What size is your organisation? *(For example the full-time equivalent (FTE) staff and/or overall budget)*

F. Does your organisation currently report on climate change?

Yes (please detail which regime this is, and whether your participation is voluntary or mandatory)

No

Questions relating to ‘Chapter Three: Content of Reports and Reporting Cycles’

1. How often do you think specified public bodies should provide their adaptation reports?

Annually

Every 2 years

Every 3 years

Every 4 years

Every 5 years*

*(*Aligns with the independent expert climate change advice from the CCC - see section 3.4.2).*

Please provide your reasons for your chosen response.

2. When should specified public bodies be required to provide their first adaptation report?

- By end of January 2025*
- By end of March 2025*
- Later than March 2025 (please specify month and year)
- Other (please specify month and year)

(*Aligns with the independent expert climate change advice from the CCC- see section 3.4.2).
Please provide your reasons for your chosen response.

3. How often do you think specified public bodies should provide their mitigation reports?

- Annually
- Every 2 years*
- Every 3 years*
- Every 4 years*
- Every 5 years
- Other

(*Aligns with the independent expert climate change advice from the CCC- see section 3.4.2).
Please provide your reasons for your chosen response.

4. When should specified public bodies be required to submit their first mitigation report?

- By end of October 2025
- Later than October 2025 (please specify month and year)
- Earlier than October 2025 (please specify month and year)

Please provide your reasons for your chosen response.

5. Do you agree that the time period for which emissions data must be provided, by specified public bodies in their mitigation reports, should cover financial years? (i.e. periods from 1st April to 31st March)

- Yes
- No - please provide your reasons and any suggested alternatives.

6. If you have any other views on the frequency and timing of reporting which should be set under the future regulations, please provide them below.

Questions relating to ‘Chapter Four: Which Public Bodies Should be Specified in the Regulations’

7. How do you think the specified public bodies (who will have a duty to report under the regulations) should be identified?

- A criteria-based proportionality approach should be applied
- An exemptions approach should be applied
- A different approach should be applied (please specify)

Please provide your reasons for your chosen response.

8. If a criteria-based proportionality approach is used in the future regulations, which criteria do you think should be included for specifying public bodies?

Please tick all that apply.

- High impact
- High influence
- Large estates
- Large numbers of staff
- Large expenditure
- Auditing or regulatory functions
- Critical / key infrastructure or service provider
- Other (please specify)

Please provide any comments you may have on your chosen response.

9. Do you agree that all of the public bodies listed, in the schedule of the example draft regulations, should be required to report under the future regulations?

- Yes - all
- Yes - but additional bodies should be included (please specify/name those bodies)
- Partially agree - but some bodies should be removed/not specified (please specify/name those bodies)
- No - none of these bodies

Please provide your reasons.

10. (For North/South Implementation Bodies) Do you foresee any practical problems with dividing up the exercise of your functions in Northern Ireland, in order to report under the future regulations?

- Reporting on our Northern Ireland functions would be straight-forward
- Reporting on our Northern Ireland functions would present a moderate but manageable level of challenge
- Reporting on our Northern Ireland functions would present extreme difficulty

Please provide your reasons.

Questions relating to ‘Chapter Five: Reporting Duties - Further Elements to be Included in the Regulations’

11. Do you think that the future regulations should allow flexibility for public bodies to share data and/or information with each other, in order to comply with their reporting duties?

- Yes
- No
- Don't know

Please provide your reasons.

12. Do you think that the future regulations should allow flexibility for two or more public bodies to provide a single, joint report?

- Yes
- No
- Don't know

Please provide your reasons.

13. Which format do you think the future regulations should require reports to be submitted in?

- Online portal
- Electronic form & email
- Other (please specify)

14. Where do you think the future regulations should require reports to be published?

- On the DAERA website only
- On the specified public bodies' websites only
- On both DAERA and the specified public bodies' websites

Questions relating to 'Chapter Six: Reporting Template'

(Refer to annex 5 to view the example draft reporting template)

15. (For organisations) Do you think that your organisation could currently provide the level of detail requested in the example draft reporting template?

- Yes, we could provide all the detail
- Yes, we could provide some of the detail
- No, we could not provide any of this detail at this time

Please explain your answer.

16. Are there any questions in the example draft reporting template, which you think should be amended, removed or any further questions to be added?

Consultees are reminded that the future regulations must stay within the scope of section 42 of the Act (covered in section 1.6), and any future reporting template would be based on the content of the regulations).

- Amend questions (please specify)
- Remove questions (please specify)
- Further questions to be added (please specify)
- No amendments required

Please provide any reasons, as relevant.

General Questions

17. What type of support do you think may be required to help specified public bodies meet their reporting duties under the future regulations?

- Guidance document
- Training for staff
- Other (please specify)

18. Should public bodies be required to validate the information in their reports before they are submitted to DAERA under the future regulations?

(A requirement for reports to be signed off by the organisation's senior management for example).

- Yes - please specify what type of validation
- No

Please provide your reasons or comments.

19. (For organisations) If the future regulations place climate change reporting duties on your organisation, please provide an estimate of what the resource implications might be (for example cost, staff numbers, time etc.).

20. If you have any further comments in respect of any of the issues raised in this consultation, please provide them below.

21. If you have any other comments on any important issues, which you feel have not been adequately covered in this consultation, please provide them below.

Annex 2: Reporting in Other Jurisdictions

The table below sets out the many varied public body reporting approaches and requirements set by the governments of the UK, Scotland, Wales, the Republic of Ireland and the Isle of Man.

Table 1: Examples of climate change reporting requirements in jurisdictions outside of Northern Ireland set by their respective legislation or policy.

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
Legislation or policy?	<p>LEGISLATION: UK Climate Change Act 2008.</p> <p>The UK Adaptation Reporting Power (ARP).</p>	<p>LEGISLATION: Climate Change (Scotland) Act 2009 Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 and 2021.</p>	<p>POLICY: Prosperity for all: a low carbon Wales (Public Sector Net Zero Carbon reporting).</p>	<p>LEGISLATION: Climate Action and Low-Carbon Development Act 2015 (amended by The Climate Action and Low Carbon Development (Amendment) Act 2021).</p> <p>POLICY: Through a Public Sector Climate Action Mandate.</p>	<p>LEGISLATION: Climate Change Act 2021 (Climate Change (Public Bodies Reporting Requirements) Regulations 2022).</p>

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
<p>Who reports and on what basis?</p>	<p>Voluntary reporting by 'Reporting Authorities'- generally major infrastructure / public service delivery bodies from England, Wales and Scotland - current list hyperlinked</p>	<p>Mandatory reporting by all public bodies listed in Schedule 1 to the 2015 Order (amended by the 2021 Order). The listed bodies are also referred to as 'Major Players' in supporting policy, and the Scottish government indicated they applied criteria** (see extract text, provided below this table) in their guidance to inform the list.</p>	<p>Voluntary reporting by over 60 public sector organisations currently under this policy.</p>	<p>Reporting by 'Relevant bodies' is in accordance with directions issued by Irish Ministers under the Act 2015. The relevant bodies are part defined in the Act 2015 to include 'public bodies' within the meaning of the Freedom of Information Act 2014.</p> <p>Reporting is required under the Public Sector Climate Action Mandate, by public bodies which are covered by the Government of Ireland's Climate Action Plan 2021 (CAP21) decarbonisation targets. However, schools, local authorities and commercial semi-state bodies are excluded.</p>	<p>Reporting by all public bodies listed as having duties under their Freedom of Information Act 2015. The required level of reporting detail is proportional to their size, measured by staff numbers (Full Time Equivalent).</p>

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
What has to be reported on - mitigation, adaptation, or both?	<p>Adaptation only.</p> <ol style="list-style-type: none"> 1. Identification of current and future impacts and risks related to their organisation (i.e. a risk assessment). 2. Actions, policies and proposals to address those impacts and risks identified. 3. Assessment of adaptation progress 	<p>Adaptation and Mitigation.</p> <p><i>Mitigation:</i></p> <ol style="list-style-type: none"> 1. GHG emissions data - levels and sources (categorised by scope). 2. Emission reduction projects, actions, policies and targets (set by the body for itself). 3. Assessment of emissions reduction progress. <p><i>Adaptation:</i></p> <ol style="list-style-type: none"> 4. Identification of current and future impacts and risks related to their organisation (i.e. a risk assessment), and actions, policies and proposals to address those impacts and risks identified. 	<p>Mitigation only.</p> <ol style="list-style-type: none"> 1. GHG emissions data (levels and sources (categorised by scope) to establish public sector carbon baseline, and to understand current organisational GHG emissions. 2. Identify mitigation potential to assess and identify emissions sources and enabling actions to be prioritised for lowering emissions. 3. Progress monitoring and reporting to ensure improved performance and lowered emissions meaning organisations are on track to achieve carbon neutrality by 2030. 	<p>Adaptation and Mitigation.</p> <p>Directions can be issued under the 2015 Act, requiring a public body to submit its actions and progress in performing their functions in a manner consistent with achieving national climate ambitions:</p> <ol style="list-style-type: none"> (a) the most recent approved climate action plan; (b) the most recent approved national long term climate action strategy; (c) the most recent approved national adaptation framework and approved sectoral adaptation plans; 	<p>Mitigation only*.</p> <ol style="list-style-type: none"> 1. GHG emissions data (levels, and sources categorised by Scope i.e. Scope 1 and 2), baseline year emissions. 2. Actions, policies and plans to reduce emissions. 3. Assessment of emissions reduction progress. <p><i>*The reporting requirements are proportional, taking into account the range of sizes of public bodies affected.</i></p>

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
		<p>5. Assessment of adaptation progress.</p>		<p>(d) the furtherance of the national climate objective; and</p> <p>(e) the objective of mitigating GHG emissions and adapting to the effects of climate change in the State.)</p> <p>The Mandate requires public sector bodies to show leadership in climate action by taking, and reporting on the actions set out within it. This includes reporting on GHG emissions, and sustainability activities.</p>	

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
What is the frequency of reporting?	5-year cycles (2008, 2013, 2018). UK government is currently considering adjusting the reporting timelines to address the current misalignment with the timing of the development of the UK Climate Change Risk Assessments.	Annual Reports - end of reporting year 31st March (reports are due by 30th November by Scottish government - not currently set in legislation although powers exist to do so).	Annual reports - end of the reporting year is 31st March (reports are required to be submitted within 3 months as set by the Welsh policy i.e. by 30th June).	Under the Mandate - reporting is on GHG emissions and sustainability activities in an annual report.	Annual reports - end of reporting year is 31st March (reports are required within 2-6 months depending on the categorisation of the public body, as set by the regulations of the 2021 Act).
Can public bodies submit one report jointly with other public bodies?	There are provisions within legislation to allow joint reports to be submitted from more than one body.	The 2009 Act gives powers for legislation to contain provisions which allow joint reports to be submitted from more than one body.	Neither the policy nor the related supporting guidance contains reference to allowances for joint reporting.	Neither the legislation nor the Mandate contains reference to allowances for joint reporting.	There are provisions within legislation to allow joint reports to be submitted from more than one body.
Is a standardised Reporting Form or Template used?	No standard template is publicly available. A voluntary reporting template is shared with invited organisations (i.e. reporting authorities) by UK government.	Yes: A template is set in Schedule 2 of the 2015 Order, as amended by the 2020 Order and is supported by guidance. The guidance provides further clarification and supplements / expands on data requirements set in the template.	Yes: Net-Zero carbon reporting spreadsheet is published along side government guidance (https://www.gov.wales/public-sector-net-zero-reporting-guide)	Unknown	Currently being developed by the Isle of Man government. Supporting guidance for public bodies when reporting is available - however it is also currently under review.

Jurisdictions:	UK	Scotland	Wales	Isle of Man	Republic of Ireland
Are reports published?	Yes - as required by the 2008 UK Act. Reports are published on the UK government website.	Yes - individual reports are published on a third-party website on behalf of the Scottish government (although this is not a legislative requirement). A summary analysis of all of the reports is also published annually on that website. The 2020 Order requires public bodies to state how they will publish/make available progress towards achieving emissions reduction targets.	Yes - guidance requires public bodies to publish action plans to reduce emissions only. Also, the Welsh government publishes a net zero public sector emissions data report with baseline data and summary of emissions for the public sector.	None found at the time of drafting of this consultation document.	Yes - the Act 2021 requires public bodies to publish their own reports.

**Extract from Scottish Government Guidance 'Public Bodies Climate Change Duties: Putting Them into Practice' (2011):

"For the purposes of this guidance, Major Players are considered to be:

- *Public bodies with large estates and large numbers of staff*
- *Public bodies with a high impact and influence, e.g. Scottish Government, local authorities, SEPA, SNH*
- *Public bodies with large expenditure*
- *Public bodies that provide an auditing or regulatory function"*

Annex 3: Example Draft Regulations

An example of draft regulations is provided below, for illustrative purposes only, to demonstrate the types of provisions which could implement section 42 of the Climate Change Act (Northern Ireland) 2022. This is included in this document to help inform views, by illustrating what the regulations could look like. The example draft regulations do not contain or represent agreed government policy and they are therefore subject to change and further development.

STATUTORY RULES OF NORTHERN IRELAND

2023 No. XXX

CLIMATE CHANGE

The Climate Change Reporting (Specified Public Bodies) Regulations (Northern Ireland) 2023

Made []2023

Coming into operation []2023

The Department of Agriculture, Environment and Rural Affairs makes the following Regulations in exercise of the powers conferred on it by section 42(1) of the Climate Change Act (Northern Ireland) 2022 (1).

In accordance with subsection (7) of that section the Department has consulted such public bodies, and such other persons, as it considered appropriate before making these Regulations.

Citation and commencement

1. (1) These Regulations may be cited as the Climate Change [Reporting (Specified Public Bodies)] Regulations (Northern Ireland) 2023.

(2) These Regulations come into operation on *[date to be inserted]*.

Interpretation

2. In these Regulations -

“climate change adaptation report” means a report under regulation 4;

“climate change mitigation report” means a report under regulation 5;

“sent” means sent in electronic form;

“specified public body” means a public body specified in the Schedule.

(1) 2022 c. 31

Specified public bodies

3. The public bodies specified in the Schedule are specified public bodies for the purposes of section 42(1) of the Climate Change Act (Northern Ireland) 2022.

Climate change adaptation reports

4. (1) Every specified public body must prepare reports which include—
- (a) an assessment of the current and predicted impact of climate change in relation to its functions;
 - (b) a statement of the body's proposals and policies adapting to climate change in the exercise of its functions;
 - (c) a statement of the time-scales for implementing those proposals and policies; and
 - (d) an assessment of the progress made towards implementing the proposals and policies set out in any previous climate change adaptation report under these Regulations.
- (2) The first report must relate to the period of five years beginning with 1st January 2025.
- (3) Subsequent reports must relate to the period of five years beginning immediately after the end of the period to which the previous report related.
- (4) Reports must be prepared and sent to the Department not later than one month after the end of the period to which the previous report related, or in the case of the first report 31st January 2025.

Climate change mitigation reports

5. (1) Every specified public body must prepare reports which include -
- (a) a statement, in respect of each of the two preceding financial years, of the body's total greenhouse gas emissions and of their sources;
 - (b) a statement of the body's proposals and policies for reducing those totals [and otherwise for mitigating the effects of climate change in the exercise of its functions];
 - (c) a statement of the time-scales for implementing those proposals and policies; and
 - (d) an assessment of the progress made towards implementing the proposals and policies set out in any previous climate change mitigation report under these Regulations.

- (2) An assessment under paragraph (1)(d) must compare the totals and sources mentioned in paragraph (1)(a) with -
 - (a) the totals and sources mentioned in the previous report;
 - (b) the total and sources mentioned in the first report.
- (3) The first report must be prepared and sent to the Department not later than 31st October 2025.
- (4) Subsequent reports must be prepared and sent to the Department every other year not later than 31st October.
- (5) In relation to the first report -
 - (a) paragraph (1)(a) has effect as if the words “two preceding financial years” were “preceding financial year”;
 - (b) paragraph (2) does not apply.
- (6) References in this regulation to a financial year are to be construed in accordance with section 39(6)(e) of the Interpretation Act (Northern Ireland) 1954 (2) [FN (2) 1954 c. 33 (N.I.)] whether or not a body uses that financial year.

Guidance

6. (1) The Department may issue guidance to specified public bodies on their functions under these Regulations.
- (2) The Department may publish any guidance issued under paragraph (1).

Matters to which specified public bodies must have regard

7. Specified public bodies must have regard to (among other things) the following, so far as relevant -
 - (a) the most recent report under section 56 of the Climate Change Act 2008 (3) [FN (3) 2008 c. 27] (report on impact of climate change);
 - (b) the most recent programme under section 60 of that Act (programme for adaptation to climate change for Northern Ireland);
 - (c) the desirability of co-ordinating the proposals and policies referred to in regulation 4(1)(b) or 5(1)(b) with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere; and
 - (d) guidance under regulation 6.

Co-operation in preparation of reports

8. Public bodies may co-operate in the preparation of a report under these Regulations.

Joint reports

9. Two or more public bodies may prepare a joint report under these Regulations.

Publication of reports

10. The Department must publish reports under these Regulations in electronic form.

A senior officer of the

Department of Agriculture, Environment and Rural Affairs

SCHEDULE

Reg. 3

SPECIFIED PUBLIC BODIES

Arts and Culture

Armagh Observatory and Planetarium

Arts Council of Northern Ireland

Board of Trustees of The National Museums and Galleries of Northern Ireland

Northern Ireland Museums Council

Built Environment

Historic Buildings Council

Historic Monuments Council

Maze / Long Kesh Development Corporation

Economic Development

Invest Northern Ireland

Strategic Investment Board Limited

Education

Council for Catholic Maintained Schools

Any Diocesan Education Committee of the Council for Catholic Maintained Schools

Education Authority Board

General Teaching Council for Northern Ireland

Governing Body of Belfast Metropolitan College
Governing Body of Northern Regional College
Governing Body of North West Regional College
Governing Body of South Eastern Regional College
Governing Body of South West College
Governing Body of Southern Regional College
Governing Body of Stranmillis University College, Belfast
Governing Body of Open University in Ireland
Governing Body of Queen's University of Belfast
Governing Body of St Mary's University College, Belfast
Governing Body of Ulster University
Northern Ireland Council for Integrated Education

Equality

Equality Commission for Northern Ireland

Health, Social Care and Emergency Services

Any Health and Social Care Trust
Regional Business Services Organisation
Health and Social Care Regulation and Quality Improvement Authority
Northern Ireland Fire and Rescue Service
Northern Ireland Social Care Council
Public Health Agency

Housing

Northern Ireland Housing Executive
Any of the following housing associations -
 Abbeyfield and Wesley Housing Association
 Alpha Housing Association
 Apex Housing Association
 Arbour Housing Association
 Ark Housing Association (NI) Limited
 Clanmil Housing Association Limited
 Choice Housing Ireland Limited
 Connswater Homes Limited
 Habinteg Housing Association (Ulster) Limited
 Newington Housing Association Limited
 North Belfast Housing Association Limited
 Radius Housing Association
 Rural Housing Association Limited
 Triangle Housing Association Limited
 Woodvale and Shankill Community Housing Association

Infrastructure

Belfast Energy Storage Company Limited
Belfast Gas Transmission Limited
Belfast Harbour Commissioners
Bord Gais Energy Limited
Budget Energy Limited
Click Energy
Coleraine Harbour Commissioners
Construction Industry Training Board
Coolkeeragh ESB Limited
Drainage Council for Northern Ireland
Electric Ireland
EP Ballylumford Limited
EP Kilroot Limited
Firmus Energy Limited
Harbour of Carlingford Lough Improvement Commissioners
Islandmagee Energy Limited
Londonderry Port and Harbour Commissioners
Moyle Interconnector Limited
Northern Ireland Electricity Networks Limited
Northern Ireland Fishery Harbour Authority
Northern Ireland Transport Holding Company
Northern Ireland Water Limited
Operator of Belfast International Airport
Operator of City of Derry Airport
Operator of George Best Belfast City Airport
Phoenix Natural Gas Limited – Distribution
Power Northern Ireland
SGN Natural Gas Limited - Distribution
SSE Airtricity Energy Supply (Northern Ireland) Limited
SSE Renewables UK Limited
Short Brothers Plc
SONI Limited
Warrenpoint Harbour Authority

Local Government

Any district council

North South Implementation Bodies

Foyle, Carlingford and Irish Lights Commission
InterTradelreland
Waterways Ireland

Policing

Northern Ireland Police Fund
Northern Ireland Policing Board
Police Service of Northern Ireland

Regulation and Audit

Charity Commission for Northern Ireland
Northern Ireland Audit Office
Northern Ireland Authority for Utility Regulation

Others

Agri-Food and Biosciences Institute
Council for Nature Conservation and the Countryside
Health and Safety Executive for Northern Ireland
Institute of Public Health in Ireland
The Livestock and Meat Commission for Northern Ireland
Tourism Northern Ireland
Sport Northern Ireland

Interpretation

In this Schedule -

“Health and Social Care trust” means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(4) [FN (4) S.I.1991/194 (N.I.)];

“housing association” means a registered housing association within the meaning of Article 3 of the Housing (Northern Ireland) Order 1992 (5) [FN S.I.1992/1725 (N.I. 15)];

“operator” means an airport operator within the meaning of the Airports (Northern Ireland) Order 1994 (6) [FN (6) S.I.1994/426 (N.I. 1)].

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations specify certain public bodies for the purposes of section 42(1) of the Climate Change Act (Northern Ireland) 2022 (regulation 3 and the Schedule).

Regulation 4 requires a specified body to prepare a prospective report every five years on how it is adapting to climate change in the exercise of its functions (a “climate change adaptation report”).

Regulation 5 requires a specified body to prepare a report every two years on how it has reduced its greenhouse gas emissions and otherwise mitigated the effect of climate change in the exercise of its functions (a “climate change mitigation report”).

Annex 4: Example Proportionality Criteria - Descriptions

Within this annex, descriptions are provided of draft proportionality criteria which could be used to help identify which public bodies should be specified to report under the future regulations required under section 42 of the Act. This annex relates to section 4.5 of this consultation document.

Example Criteria Descriptions

Criteria 1: high impact and/or influence

Organisations have varying degrees of impacts and influence in relation to climate change mitigation (reducing emissions) and adaptation (preparing for the impacts of climate change) in Northern Ireland. Their impacts and influence depend on their particular role, functions and responsibilities. This can be through their provision of local leadership, their adaptation action and management of their assets and services they deliver, or through working collaboratively with others in their local area, to achieve broader goals related to climate change.

Mitigation

Some public bodies may have high impact and influence on the scale of GHG emissions that are emitted either by themselves or by other organisations. Their impact and influence can be regarding their own direct GHG emissions (for example from their large estates, physical assets or large fleets for transport), but also through the ways they carry out their functions. For instance, the decisions they make on issues which influence their levels of emissions, and their general engagement with stakeholders, may create a very wide sphere of influence on the amount of GHG emissions beyond their own emissions. One illustration of this is that local councils have a large impact and influence through the services they deliver (e.g. contracting to waste disposal businesses), through being trusted community leaders and major employers, and through their regulatory and strategic functions. In this way, as well as reducing their own emissions, some public bodies have large impact and influence due to the key role they play in 'leading by example'. Also, in their promotion of climate change action more widely (both in reducing emissions and adapting to climate change impacts) for example in communities or partner organisations.

Adaptation

Some public bodies have large impact and influence due to their particularly important key roles in helping Northern Ireland adapt to climate change. This can be seen where some bodies have powers (or functions) which relate to a large amount of land use, and/or land-use planning, local critical infrastructure management and key biodiversity enhancement and protection. This is also seen where bodies have an influence over public health and emergency planning. Some public bodies have key roles in building and supporting the ability to become

more resilient by adapting to the impacts of climate change, not only for individuals, but also for whole communities. Some public bodies also have vital or large public assets, infrastructure and services, which could be vulnerable to disruption caused by the impacts of climate change.

A requirement to report on climate change for these bodies would help to inform, drive and accelerate the actions needed by them, to ensure they are a climate-resilient and adaptable organisation who can deliver their functions and services, for current and future generations. It could also support, and potentially enhance, their ability to continue delivering positive outcomes for Northern Ireland and/or its society.

Criteria 2: large estates and large numbers of staff

Some bodies have estates which are very large in size and/or scope. The owners and managers of these estates may operate across a range of sizes and number of buildings, transport fleets, land-uses. These types of bodies can also deliver a wide range of ecosystem services/goods, which are vital to sustaining well-being, and to future economic and social development in Northern Ireland. These types of estates may have already achieved significant integration of actions to tackle climate change (adaptation and/or mitigation), and they may have already taken and continue to take opportunities to implement such climate action further. For example, large estates can have a very wide scope for positive impacts in terms of reducing and/or capturing carbon emissions (e.g. tree planting, peatlands restoration). These bodies can also have scope for positive impacts in ensuring that Northern Ireland adapts to climate change, through measures such as: flood management; strengthening and increasing biodiversity; etc.

Having a large number of staff, and potentially also large square footage of premises, may equate to a substantial carbon footprint (i.e. scale of GHG emissions) from a public body. There can be a typical carbon cost per annum of a single employee. This of course will greatly depend on the type of work which an organisation engages in, so this can vary for different types of employee roles. For example, an employee that is office-based and does not go on many business trips will emit much less CO₂ than an employee who travels daily or weekly on business trips.

A requirement to report on climate change for these bodies would help to develop their understanding of the actions they need to take on climate change, helping them to drive/accelerate targeted implementation of those actions, in relation to their organisation and its functions. This would protect their service provision by increasing their climate-resilience and adaptability, as well as doing their part to reduce emissions.

Criteria 3: large expenditure

Where a body has large expenditure, this will often place it in a position of high influence over those who hope to benefit from their expenditure. This means that many of the matters described in 'criteria 1' (influence) will also apply here. Due to these factors, organisations with

a large expenditure are also more likely to have larger estates and staff numbers, which will likely contribute to greater emissions, as explained above under large estates/staff (criteria 2). For these reasons, it may be considered appropriate for these public bodies to be held to a higher standard of accountability, with higher expectations in terms of tackling climate change.

Requiring these organisations to report on climate change could help to develop their understanding of the actions that they need to take on climate change, as well as helping to drive/accelerate their current actions on climate change. In these ways, having to comply with reporting duties could enable them to demonstrate that they are fulfilling these expectations of higher accountability.

Criteria 4: audit or regulatory functions

An organisation who has regulatory or audit functions may have 'influence', as described under criteria 1, because their role will generally focus on examining the standards achieved by others. These types of organisations can have large staff numbers, and or estates. In addition, due to their functions, it may also be considered appropriate for these bodies to be held to a higher standard of accountability, in terms of reducing emissions and adapting to climate change. This could include expectation of them 'leading by example' on climate actions, as well as demonstrating transparency.

Criteria 5: major critical/key infrastructure or service providers

There are bodies who are major providers of our critical/key infrastructure and services, which are vital to a daily sustainable and healthy functioning society in Northern Ireland. There is an essential operational need to ensure that these bodies are as climate resilient and adaptable as possible. This is to ensure that appropriate actions are taken to prevent cascading failures in critical service provisions to Northern Ireland from the impacts of climate change. These actions could be effectively informed, driven and demonstrated, through their compliance with a requirement to report on climate change.

Criteria 6: a public body which is not a Northern Ireland department (or one of their Executive agencies) but does fall into one or more of the other criteria (criteria 4-5).

Northern Ireland departments (and their Executive agencies) fall within the definition of a 'public body' of the Act. However it is expected, and it would be prudent that they will not be required to report under the section 42 regulations, due to their reporting requirements and other duties being already covered more extensively elsewhere in the Act. For example, the Act sets a range of duties on Northern Ireland departments including that they must all contribute to delivering the Act's emissions reduction targets, carbon budgets (i.e. caps or limits on the level of emissions which are permitted over a 5-year period) and climate action plans. The Act places a range of reporting requirements on Northern Ireland departments in that regard, including developing and publishing sectoral plans, progress reports and statements. Section 42 has a much narrower scope, in that regulations can only be made to require public bodies to report on climate change alone.

Annex 5: Example Draft Reporting Template

This annex provides, for illustrative purposes, an example draft reporting template containing a list of potential questions which could be asked of specified public bodies to cover the reporting duties set by the future regulations, and the matters which fall under those duties.

Parts 1, 2 & 5 of the example draft template contain general questions which would relate to both the adaptation reports and the mitigation reports, covering the following areas:

- **Part 1** - 'Profile of Reporting Organisation(s)';
- **Part 2** - 'Climate Change Management and Governance'; and
- **Part 5** - 'Validation of Report'.

Part 3 contains questions which would only be required for adaptation reports, and **Part 4** contains questions which would only be required for mitigation reports.

PART 1 - PROFILE OF REPORTING ORGANISATIONS

(The questions in this part relate to both adaptation and mitigation reports)

1.1 The name of the organisation(s) to which this report relates.

1.2 The type(s) of the organisation(s) (e.g. local council, energy supplier, auditor, etc.)

1.3 Title of the report (an 'adaptation report' or a 'mitigation report').

1.4 Reporting cycle of this report (i.e. is this report the first, second or third report, etc.)

1.5 Date of submission of this report.

1.6 Person(s) responsible for this report (i.e. name, job title and email address).

1.7 Overall budget of the organisation - specify approximate £/annum for the most recent completed financial year (1st April - 31st March).

1.8 Average number of full-time equivalent staff in the organisation for the most recent completed financial year (1st April - 31st March).

1.9 Describe your organisation's:

a) functions;

b) size of estate;

c) fleet size; and

d) type and level of influence on other organisations or communities, to reduce emissions and/or adapt to climate change.

PART 2 - CLIMATE CHANGE MANAGEMENT AND GOVERNANCE

(The questions in this part relate to both adaptation and mitigation reports)

2.1 GOVERNANCE - The approach taken by the organisation to governance, management and strategy for climate change.

- a) If the organisation has a climate change plan or strategy, provide the name of the document and a hyperlink of where a copy can be accessed, or attach a copy to this report.
- b) Set out the structure of the organisation's climate change governance including:
 - an outline of the governance structure, and if relevant, a summary of the roles of any external bodies/organisations (in Northern Ireland, UK, Republic of Ireland or elsewhere);
 - a summary of the key climate change roles undertaken by the governance bodies and/or management of the organisation;
 - a summary of how the body's decision-making in relation to climate change action is managed, and how responsibility is allocated to the organisation's senior staff, departmental heads, etc.
- c) Does the organisation have specific climate change mitigation and adaptation objectives in its corporate plan or similar document? Provide a brief summary of the objectives if they exist.
- d) Does the organisation report on climate change into any other external reporting regimes or to a sector standard? If yes, state which one(s).

PART 3 - ADAPTATION: CLIMATE CHANGE RISK ASSESSMENTS AND ADAPTATION ACTION PLANS AND PROGRESS

(The questions in this part relate to adaptation reports only)

3.1 CLIMATE CHANGE RISK ASSESSMENT

Provide details of the current and future risks posed to the organisation by climate change, and how these risks could impact its functions by completing the requests below:

- a) Has the organisation used a shared/joint risk assessment to inform its answers to 3.1(b) to (j) below? If yes, state who is the lead organisation on the assessment and provide a hyperlink to or attach a copy of the document.
- b) Identify and provide a title for each risk, with description, if relevant.
- c) Provide an impact score for each risk, i.e. likelihood or severity of risk.
- d) Explain how each risk relates to the functions, services, assets and/or investments (if relevant) of the organisation.
- e) State the estimated timeframe for when the impact of each risk is due to become an issue needing action: Current (< 5yr), Medium (5-10yr), Long (10-25yr), or Longer (25yr+) term.
- f) Has the organisation calculated how each risk might change, by the years 2050 and 2100, in light of various climate scenarios? If yes, describe.
- g) State the owner of each risk [e.g. name/team name (including role) in charge of managing the risk].
- h) For each risk identified under 3.1(b), state if there are any similar risks identified/title under the high-level objectives in:
 - the most recent UK Government's Climate Change Risk Assessment (CCRA);
 - the most recent Northern Ireland Climate Change Adaptation Programme (NICCAP).
- i) If the answer to 3.1(h) is yes, specify the title of the similar risks.
- j) For each risk identified under part 3.1, state if management of the risk is fully within the control of the organisation, or if management of the risk depends on other organisations. If dependent on other organisation(s), state which organisation(s) and describe the dependency.

PART 3 - ADAPTATION: CLIMATE CHANGE RISK ASSESSMENTS AND ADAPTATION ACTION PLANS AND PROGRESS

(The questions in this part relate to adaptation reports only)

3.2 ADAPTATION ACTION PLAN

- a) Set out the organisation's current and planned proposals, policies and actions (now referred to as 'actions'), for managing/addressing each climate change risk identified in the risk assessment (3.1), by providing:
 - i. The specific climate change risk(s) which each action is intended to address.
 - ii. How each action will address the associated risk(s).
 - iii. The timescales for implementing each action.
 - iv. Which actions are a priority, to be addressed before the next report is developed.
 - v. The owners of each action. [E.g. name/team name (including role) in charge of implementing and managing the action.]
 - vi. Are any of the chosen actions coordinated with other organisations - locally, in other parts of the UK, the Republic of Ireland or elsewhere? If yes, which actions and specify how they are coordinated?
 - vii. Detail of any metrics which have been used to assess progress in the organisation's management of its climate-related risks and impacts.
- b) If any of the information requested in 3.2(a) is not available, provide the reason why, and (if appropriate) when it is expected to become available.
- c) Do the organisation's adaptation actions have any co-benefits (or risks, if applicable) for reducing emissions? If yes, provide a brief explanation.

3.3 PROGRESS MADE IN COMPARISON TO PREVIOUS REPORT(S)

(This section is applicable only to the second, and subsequent adaptation reports)

- 3.3.1 Provide an assessment of the progress made by the organisation, in regard to implementing the adaptation action plan, set out in its previous adaptation report, by completing the requests below:
 - a) For each proposal, policy and action of its previous plan, set out what progress has been made, i.e. completion date, ongoing or expected completion date if relevant, etc.
 - b) The contribution which each proposal, policy and action of the previous plan has made so far, towards addressing or managing its identified climate change risks (if possible).

3.3 PROGRESS MADE IN COMPARISON TO PREVIOUS REPORT(S)

(This section is applicable only to the second, and subsequent adaptation reports)

3.3.2 If any commitments and/or timescales provided in the previous adaptation action plan were not met, provide the following:

- a) Why they were not met, i.e. what the barriers were.
- b) How the organisation plans to address those barriers going forward.
- c) When the organisation plans to deliver on the commitment/timescale, if still required/relevant.
- d) If the commitment/timescale is no longer required or relevant, please state why.

3.4 ADAPTATION CASE STUDIES

Details of up to five examples (case studies) of best practice, in adaptation actions taken by your organisation, can be provided.

Suggested areas of focus:

- When the action took place / if it is ongoing.
- Where the action took place.
- How the action was funded (e.g. by local government etc.).
- Which climate change risks/impacts were the adaptation actions focused on?
- How did the actions make a difference to addressing these risk and impacts?
- What are the key lessons from the case study?
- Whether there are future plans to build on this work under the case study, and if so, what they involve.
- A web link for further information on the case study and any contact details for further information if appropriate.

PART 4 - MITIGATION: EMISSIONS STATEMENTS AND EMISSION REDUCTION PLANS AND PROGRESS

(The questions in this part relate to mitigation reports only)

4.1. BASELINE YEAR AND EMISSIONS STATEMENTS

NOTE: In relation to 4.1.1 and 4.1.2, the body's 'baseline year' for emissions statements is from 1st April 2024 - 31st March 2025. This 'baseline year' within the emissions statements, shall include the body's greenhouse gas (GHG) emissions levels and sources for this period.

4.1.1 EMISSIONS STATEMENTS - FOR THE FIRST REPORTS

State the GHG emissions of the organisation for the baseline year as follows:

- a) The **direct** GHG emissions - Scope 1: Total GHG emissions from the organisation's owned or controlled sources, e.g. boilers, furnaces, vehicles.
- b) The **indirect** GHG emissions - Scope 2: Total GHG emissions from the organisation's offsite energy suppliers, e.g. electricity for steam, heating or cooling.
- c) The **indirect** GHG emissions - Scope 3: Total GHG emissions of the organisation - as a consequence of the organisation's activities, which occur from sources not owned or controlled by it. (Including business travel.)
- d) Breakdown of GHG emission sources.
- e) If data is not available for 4.1.1(a) above, state:
 - i. Which data is unavailable.
 - ii. Why it is unavailable.
 - iii. When it is expected to be available.
- f) Has the organisation generated any renewable energy? If yes, provide a short description of the energy generation activity, the amount of energy generated and whether the energy was used or exported by the organisation.
- g) Has the organisation had any involvement in district heating schemes? If yes provide a summary of the involvement, including whether the heat is used or exported by the organisation.

PART 4 - MITIGATION: EMISSIONS STATEMENTS AND EMISSION REDUCTION PLANS AND PROGRESS

(The questions in this part relate to mitigation reports only)

4.1.2 EMISSIONS STATEMENTS - FOR SECOND AND SUBSEQUENT REPORTS

State the organisation's GHG emissions and sources for the two financial years, following chronologically from the previous report, by providing:

- a) The **direct** GHG emissions - Scope 1: Total GHG emissions from the organisation's owned or controlled sources, e.g. boilers, furnaces, vehicles.
- b) The **indirect** GHG emissions - Scope 2: Total GHG emissions from offsite energy suppliers, e.g. electricity for steam, heating or cooling.
- c) The **indirect** GHG emissions - Scope 3: Total GHG emissions of the organisation - as a consequence of the organisation's activities, which occur from sources not owned or controlled by it. (Including business travel.)
- d) Breakdown of emission sources.
- e) If emissions data is not available for any year between the baseline year and the current reporting period, explain:
 - i. Which data is unavailable.
 - ii. Why it is unavailable.
 - iii. When it is expected to be available.
- f) Has the organisation generated any renewable energy? If yes, provide a short description of the energy generation activity, the amount of energy generated and whether the energy was used or exported by the organisation.
- g) Has the organisation had any involvement in district heating schemes? If yes provide a summary of the involvement, including whether the heat is used or exported by the organisation.
- h) If the organisation seeks to amend the levels or sources for its baseline year, then provide:
 - The relevant emissions data relating to the new baseline year or levels or sources; and
 - The reasons for seeking this change.

PART 4 - MITIGATION: EMISSIONS STATEMENTS AND EMISSION REDUCTION PLANS AND PROGRESS

(The questions in this part relate to mitigation reports only)

4.2 MITIGATION ACTION PLAN (i.e. Emissions Reduction Plan)

Set out the organisation's proposals, policies and actions (now referred to as 'actions') for reducing its emissions in the exercise of its functions, by providing:

- a) Any target(s) the organisation has set itself to reduce its GHG emissions levels and the year in which it aims to achieve the target(s).
- b) The organisation's actions to reduce its emissions and the timescales for implementation of these actions.
- c) How the actions under 4.2(b) will contribute to achieving the organisation's targets provided under 4.2(a).
- d) Which actions are a priority, to reduce the organisation's emissions before the next report is due to be submitted.
- e) The owners of each action provided under 4.2(b). [E.g. the name/team name (including role) in charge of implementing and managing the 'actions'.]
- f) If possible, an assessment of the predicted emissions savings from the actions provided under 4.2(b).
- g) Are any of the chosen actions, provided under 4.2(b), coordinated with other organisations - locally, in other parts of the UK, the Republic of Ireland or elsewhere. If yes, which actions and specify how they are coordinated?
- h) Confirmation of whether there are any projected reductions or increases in emissions due to any estimated growth/reduction of the organisation, e.g. related to changes in staff numbers, estates, service provisions.
- i) Confirmation of whether any of the actions provided under 4.2(b) have co-benefits or risks for adaptation action? If yes, provide a brief explanation.
- j) Confirmation of whether the organisation intends to use carbon credit purchases to offset its emissions. If yes, please provide details.

PART 4 - MITIGATION: EMISSIONS STATEMENTS AND EMISSION REDUCTION PLANS AND PROGRESS

(The questions in this part relate to mitigation reports only)

4.3 PROGRESS MADE IN COMPARISON TO PREVIOUS REPORTS

(This section is applicable only to the second, and subsequent mitigation reports)

4.3.1 Provide an assessment of the progress made by the organisation towards reducing the levels and sources of emissions in comparison with:

- a) The baseline year; and
- b) The previous report (if applicable).

4.3.2 Provide an assessment of the progress made by the organisation towards implementing its previous emissions reduction plan by providing:

- a) The progress made towards implementation (i.e. completion date / expected completion date) for each proposal, policy and action.
- b) The contribution that the proposal, policy and action of the plan(s) has made so far, towards achieving any target(s) it has set itself.

4.3.3 If any commitments and/or timescales provided in the previous plan(s) were not met, explain:

- a) Why they were not met, i.e. what the barriers were.
- b) How the organisation plans to address those barriers going forward.
- c) When the organisation plans to deliver on the commitment/timescale, if still required/relevant.
- d) If the commitment/timescale is no longer required or relevant, please state why.

4.4 EMISSIONS REDUCTION CASE STUDIES

Details of up to five examples (case studies) of best practice, in mitigation actions taken by your organisation, can be provided.

Suggested areas of focus:

- When the action took place or if it is ongoing.
- Where the action took place.
- How was the action funded (e.g. by local government, private, etc.)?
- What were the key policies developed/actions taken to reduce emissions?
- How did the actions make a difference to addressing the reduction of emissions?
- What are the key lessons from the case study?
- Whether there are any future plans to build on this work under the case study? If yes, describe what these plans are.
- Provide a web link for further information on the case study and any contact details for further information.

5 - VALIDATION OF REPORT

(The questions in this part relate to both adaptation and mitigation reports)

- a) Has a senior figure or group in the organisation approved this report to be submitted to DAERA? If yes, provide evidence (e.g. a signed statement).
- b) Has the organisation applied any other validation process to this report? If yes, provide details of the validation (e.g. peer reviewed, or other external validation), and which data was validated.

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