

Climate Change and Science Innovation Group

Climate Change and Green Growth Policy Division

Your reference
Our reference



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

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12th April 2024

Dear Public Body,

Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024 – New Climate Change Reporting Duties for Your Organisation

I am writing to confirm with you that your public body organisation is specified as a 'Reporting Body' within the Schedule of the attached draft Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024, as having climate change reporting duties placed upon it.

A copy of the draft Regulations, which have recently been agreed by the Northern Ireland Executive, is attached in Annex A for your information. The Department of Agriculture, Environment and Rural Affairs ('DAERA') intends to make and lay these Regulations at the earliest opportunity in the Northern Ireland Assembly.

Annex B of this letter contains some frequently asked questions and corresponding answers for your information on what the Regulations require and what they mean for you which we hope will address any immediate concerns that you may have.

Context

Making and bringing into operation these Regulations delivers on DAERA's legal requirement to do so under section 42 of the Climate Change Act (Northern Ireland) 2022 ('the Act'). The Regulations put in place a climate change reporting framework for the specified public bodies, which can enable them to take informed, and timely climate action. The aim of this is to make public bodies more sustainable and give them the

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opportunity to provide a positive example and exploit the opportunities that early and effective climate action can deliver.

Operational date of the Regulations, and when reporting is required.

The Regulations will come into operation in early May 2024, 21 days after they are laid by DAERA in the Northern Ireland Assembly. The duties placed on the scheduled list of public bodies cover climate change reporting requirements on both adaptation and mitigation. However, reporting by public bodies will not be required immediately and they will not be required at exactly the same time. The first mitigation report by the public bodies will be required to be submitted to DAERA by October 2025. The first adaptation report is not due until March 2026. Mitigation reports will then be required on a 3-yearly cycle, and the adaptation reports will be required on a 5-yearly cycle.

The timing and frequency of reporting is to allow, and enable, your organisation to collect the necessary data, and for DAERA to develop and provide practical support to help you and the other organisations specified in the Regulations to report.

Support will be provided by DAERA through the provision of guidance co-designed with public bodies themselves. DAERA is also working on developing a reporting template which will again be informed by and co-designed with the specified public bodies. Training and an online portal for reporting bodies will also be put in place to make the process as straightforward as possible. Further information on timings and frequency of reporting is in Annex B at Question 6, and 'support' to public bodies at Question 9.

Consultation, and pre-consultation engagement

Your organisation had been previously contacted by DAERA regarding our consultation (which ran for an extended 10-week period from March 2023 until June 2023) on the development and making of these Regulations. The consultation can be found at Climate Change Reporting by Specified Public Bodies - Developing New Regulations. The summary of responses received to the consultation can be found at Summary of Responses and Next Steps: Consultation on Climate Change Reporting by Specified Public Bodies - Developing New Regulations. This summary of responses document also includes the detail on, and the outcome of, DAERA's pre-consultation engagement workshops undertaken with public bodies in the later quarter of 2022 which informed the development and content of the consultation.

Reporting Bodies

The Act does not require all public bodies to have reporting duties placed on them by the Regulations. A balanced approach has been applied to these first set of Regulations to minimise the risk of undue burden, by requiring only those public bodies which are large-sized organisations to report (40 organisations in total, which can be viewed [here](#)). Large-sized public bodies are more likely the highest emitters, and they can help most in contributing to ensuring a climate resilient and sustainable Northern Ireland, while also having the capacity to deliver on reporting requirements and show leadership in climate action. Details of the definition of a 'public body' under the meaning of the Act, and the criteria used to identify who should be required to report under this first set of Regulations, is detailed in the attached Annex B at Question 5.

Please note that DAERA is committed to reviewing these first set of Regulations, at a future point, to explore expanding them through amending regulations, including the

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scope of bodies required to report. In the interim the Department intends to promote voluntary reporting from those public bodies not specified in the Regulations. It is clear from the consultation that there are many public body organisations that are keen to assess and report on their climate change risks, and actions to address these risks and reduce their emissions, including developing adaptation and mitigation plans. However, not all of these organisations come within scope of these first set of Regulations. The voluntary reporting is therefore a way for those bodies, that are not specified in the regulations, to develop their experience and skills for reporting.

What does DAERA require from you now?

After the Regulations are laid, DAERA's preparation work will then commence on the co-design of technical guidance including a reporting template, development of an online portal, and development and provision of training, to help public bodies meet their reporting duties.

In the interim, we would be grateful if you could please provide DAERA (at: climatechangediscussion@daera-ni.gov.uk), with the name and contact details of a nominated person(s) for your organisation for future direct engagement on matters regarding the requirements set by the Regulations.

DAERA looks forward to working with you on these important matters. Reporting will give the bodies an opportunity to show continued leadership on climate action within the public sector, providing positive examples and shared learning of what effective climate action can deliver, which is benefit to us all. If you have any issues or queries about these matters, you can contact the Public Body Reporting team at climatechangediscussion@daera-ni.gov.uk, or please call Arlene McGowan on (028) 9056 9484.

Yours faithfully,



Jane Corderoy

Director

Climate Change and Green Growth Policy Division

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Annex B

The Climate Change (Reporting bodies) Regulations 2024: Frequently Asked Questions and Answers

Index:

- Question 1: Why are the Regulations being brought forward?
- Question 2: When and how often will reporting be required?
- Question 3: What information will the reports need to contain?
- Question 4: What are the other requirements/allowances set by the Regulations?
- Question 5: What support will be provided to you for meeting your reporting duties, and when?
- Question 6: Why must the Regulations wait for 21 days before coming into operation, after they are made and laid in the Assembly?
- Question 7: How were the Regulations informed?
- Question 8: What was the UK Climate Change Committee's advice to DAERA?
- Question 9: What criteria was used to identify which organisations should be specified to have climate change reporting duties placed on them by the Regulations?
- Question 10: Will other public bodies be required to report in the future?
- Question 11: What next?

Question 1: Why are the Regulations being brought forward?

Ans: Section 42 of the Climate Change Act (Northern Ireland) 2022 ('the Act') requires DAERA to make new Regulations, which will place climate change reporting duties on specified public bodies. The Regulations are crosscutting and so the content of the Regulations in **Annex A** has been agreed by the Northern Ireland Executive, who have also agreed that DAERA should make and lay them in the Assembly and bring them into operation.

Question 2: When and how often will reporting be required?

Ans: There are two types of reports which you will be required to provide under your reporting duties set by the Regulations, and these are - 'climate change mitigation' reports and 'climate change adaptation' reports. The required content of these reports is discussed in question 3 below. Detailed guidance, which will be co-designed with reporting bodies, and training, will be provided to you on the requirements and on how to meet your reporting duties.

The timings and frequency of reporting are set in the Regulations (Annex A), specifically regulation 4 for adaptation, and regulation 5 for mitigation.

The following provides an explanation of the timings and frequency of reports:

Regulation 4: Adaptation Reports

- Your first 'adaptation report' **must be submitted to DAERA by 31st March 2026** (the period which the first report will cover is 4 years* beginning from 1st January 2026).
- Your second and subsequent adaptation reports will be on a 5-yearly cycle*.
- Your second adaptation report will therefore begin from 1st January 2030, and must be submitted to DAERA by 31st January 2030.
- Your third adaptation report will begin from 1st January 2035. This third report must be submitted to DAERA by 31st January 2035; and so on for subsequent 5-yearly adaptation reports.

*[*N.B. The frequencies and timings are set to align with, in order to aim to inform, the development of the 5-yearly UK Climate Change Risk Assessments which are required under the UK Climate Change Act 2008 – these risk Assessments include detail on the current and projected climate change risks and impacts to Northern Ireland (see question 10 for more detail).]*

Regulation 5: Mitigation Reports

- Your mitigation reports will be on a 3-yearly cycle.
- Your **first ‘mitigation report’ must be submitted to DAERA by 31st October 2025.**
- Your second mitigation report must therefore be submitted to DAERA by 31st October 2028.
- Your third mitigation report must be submitted to DAERA by 31st October 2031, and so on for subsequent reports every 3 years.

Question 3: What information will the reports need to contain?

Ans: The Regulations (Annex A) set the requirements on what your reports must contain. The requirements are set under regulation 4(1) which relates to adaptation, and regulation 5(1) which relates to mitigation. Please note that DAERA intends to develop and co-design guidance with reporting bodies to help them meet their reporting duties. This will include technical detail and guidance on what is reported, and how it is reported, for both adaptation and mitigation. Further detail on support to be provided to you to help you to meet your reporting duties is discussed under question 5.

Adaptation reports

The first (4 year) adaptation report, and the subsequent 5-yearly adaptation reports are required to include your public body's:

- (i) current and predicted impact of climate change in relation to its functions; and
- (ii) proposals and policies for adapting to climate change in the exercise of its functions, including the timescales for implementing these proposals and policies.

Second and subsequent 5-yearly adaptation reports are also required to include your public body's:

- assessment of the progress it has made towards implementing the proposals and policies set out in any of its previous climate change adaptation reports.

Mitigation Reports

The first mitigation report is required to include your public body's:

- (i) amounts and sources of greenhouse gas emissions, in respect of the financial year beginning 1st April 2024 and ending 31st March 2025; and
- (ii) its proposals and policies for reducing its emissions in the exercise of its functions, including timescales for implementing those proposals and policies.

The second and subsequent 3-yearly mitigation reports are required to include your public body's:

- (a) amounts and sources of greenhouse gas emissions in respect of each of the three preceding financial years (1st of April – 31st March) [*For example: Your public body's second mitigation report, to be submitted to DAERA by October 2028, will include the amounts and sources of its greenhouse gas emissions in respect of the three preceding financial years – i.e. from 1st April 2025 until 31st March 2028.*];
- (b) proposals and policies for reducing its emissions in the exercise of its functions, including the timescale for implementing those proposals and policies; and
- (c) assessment of the progress it has made towards implementing the proposals and policies set out in any of its previous climate change mitigation reports.

The Regulations require that a mitigation report must use as a baseline, the body's greenhouse gas emissions and sources which were reported in its first mitigation report, for the financial year beginning 1st April 2024 and ending 31st March 2025. This baseline will be used for assessing and reporting on progress. The Regulations also allow for an alternative baseline to be used, however, this will require agreement with DAERA.

For the support in place to help you with the reporting, and especially the first reports please see the answer to question 5 below.

Question 4: What are the other requirements/allowances set by the Regulations?

Ans: The Regulations:

- require the reporting bodies to have regard to certain matters (if relevant) when reporting, including, for example – the most recent 5-yearly UK Climate Change Risk Assessment, required under the UK Climate Change Act 2008, which contains climate change risks and impacts to Northern Ireland (see regulation 7, Annex A);
- allow co-operation in preparation of reports, and/or joint reporting, between two or more reporting bodies to meet their reporting requirements (see regulation 8 and 9 respectively, Annex A);
- allow for corrections to be made to the reports, after they are submitted to DAERA (see regulation 10, Annex A); and
- require publication of a body's own reports on its website and also on DAERA's website (see regulation 11, Annex A).

Question 5: What support will be provided to you for meeting your reporting duties, and when?

Ans: To help your organisation meet its reporting duties under the Regulations, DAERA will provide the following practical support:

- Technical, co-designed guidance on how to complete climate change reports.
- Co-development of a reporting template containing a list of climate change questions for your organisation to answer.
- Provision of an online climate change reporting portal, for you to enter your data into, to create your reports and make subsequent reporting as easy as possible.
- Provision of training on how to complete climate change reports to meet your reporting duties.

DAERA is undertaking preparation work to bring forward this support as soon

as possible. Support will be provided at the earliest opportunity and ahead of the reporting submission dates. DAERA may contact you regarding input to the co-design developmental work regarding this support.

DAERA also, intends as part of its co-development of support, where possible and as appropriate, to ensure a streamlined and consistent approach to reporting, where public bodies are required to report on climate change elsewhere. For example, we have already engaged with the Department of the Economy regarding their Energy Carbon Data Repository System. We recognise as streamlined and consistent approach as possible, in order to avoid any duplication of process, is very important for public bodies and for the success of the reporting.

Question 6: Why must the Regulations wait for 21 days before coming into operation, after they are made and laid in the Assembly?

Ans: The Regulations are subject to the ‘negative resolution’ procedure under the Act. This means that they are required to be ‘laid’ in the Assembly for 21 days, before they can become operational.

Question 7: How were the Regulations informed?

Ans: The following have helped to inform the development of the Regulations:

- advice from the UK Climate Change Committee (the statutory independent expert advisers on climate change, to the Northern Ireland government);
- the outcome of DAERA’s public consultation on developing the Regulations; and
- the outcome of the pre-consultation workshops with public bodies which informed the consultation’s development.

The consultation can be found at: [Climate Change Reporting by Specified Public Bodies - Developing New Regulations.](#)

The summary of responses received to consultation, including findings from the pre-consultation workshops with public bodies, can be found at: [Summary of Responses and Next Steps: Consultation on Climate Change Reporting by Specified Public Bodies - Developing New Regulations](#)

Question 8: What criteria was used to identify which organisations should be specified to have climate change reporting duties placed on them by the Regulations?

Ans: The Climate Change Act (NI) 2022 ('the Act'), in section 42, requires DAERA to make new Regulations which will set 'climate change reporting duties' on 'specified public bodies'. The Act's definition of a public body in section 42, is very wide - it can be: "*a person or body with functions of a public nature*" and "*a person who is a statutory undertaker within the meaning of the Planning Act (Northern Ireland) 2011*". The Act does not require all public bodies to report under the Regulations. DAERA therefore is applying a phased and balanced approach, in which these first set of Regulations will focus on large-sized organisations being required to report. DAERA intends to explore at a future point, bringing forward amending Regulations, to expand the scope of these first set of Regulations, including the scope of who is required to report.

The following criteria, which has been informed by the consultation and the pre-consultation workshops with public bodies, was used to identify the bodies which are specified in these first set of Regulations as having reporting duties placed on them:

Public Bodies:

- (i) with 250 or more staff (based on full-time equivalent (FTE) data or total of permanent staff),
- (ii) which are listed authorities in Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 and/or in the list of organisations subject to the

- Department of Finance's public procurement policy,
- (iii) whose remit/functions do not fall under reserved or excepted matters, or they are not North/South government dual funded, and
 - (iv) which are not a Registered Housing Association, a General Practitioner, nor a Northern Ireland Civil Service department and their Executive agency(ies) (due to the more extensive requirements* placed on these departments by other sections of the Act).

**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 and carbon budgets (i.e. caps or limits on the level of emissions which are permitted over a 5-year period). The Act places a range of reporting requirements on departments in that regard, including developing and publishing sectoral plans, climate action plans and progress reports and statements. Section 42 of the Act has a much narrower scope, in that the Regulations required by this section can only be made to require public bodies to report solely on climate change.*

Question 9: Will other public bodies be required to report in the future?

Ans: DAERA intends, at a future point, to review these Regulations (after they are made and are operational). The Review will include exploring the making of amending Regulations to expand the scope of the Regulations including who is required to report.

Question 10: What was the UK Climate Change Committee's advice to DAERA?

Ans: The following is the UK Climate Change Committee's ('the CCC') advice to DAERA on the timing and frequency of climate change reporting by public bodies, with which the Regulations (in Annex A) are aligned:

General Advice from the CCC

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.

CCC Advice on Adaptation Reporting

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 power under the UK Climate Change Act (2008).

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 Climate Change Risk Assessment ('CCRA') required under the UK Act 2008. This is because the information collected under the regulations could be used to help inform these CCC evidence reports. The CCC also advised that public bodies should provide a risk assessment and an adaptation action plan at the same time. 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.

- DAERA has set adaptation reporting for every 5 years (which also aligns with the outcome of the consultation – see question 7 above).¹

¹ The first adaptation report will cover a 4-year period, and second and subsequent adaptation reports will be 5-yearly. The frequencies and timings are set to align with, in order to aim to inform, the development of the 5-yearly UK Climate Change Risk Assessments required under the UK Climate Change Act 2008.

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.

- DAERA has set mitigation reporting for every 3 years (which also aligns with the outcome of the consultation see question 7 above).

Question 11: What next?

Ans: Once you have provided to DAERA, your body's nominated person(s) contact details, we will be in touch with that person to initiate engagement and regularly as the support referred to in question 5, is being developed, implemented and delivered.



List of Public Bodies Specified in the Schedule to the Climate Change (Reporting Bodies) Regulations (NI) 2024

The Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024 sets climate change reporting duties on 40 individual public body organisations, which are listed within its Schedule.

The list within the Schedule to the Regulations groups some of these organisations using 'legislative descriptions', rather than their 'individual names'. The following provides the individual names of each of the public body organisations who are specified within this Scheduled list.

Individual Names of the Public Bodies Specified in the Regulations

Education

1. Education Authority
2. Belfast Metropolitan College
3. Northern Regional College
4. North West Regional College
5. South Eastern Regional College
6. South West Regional College
7. Southern Regional College
8. Queen's University of Belfast
9. Ulster University
10. Northern Ireland Council for the Curriculum, Examinations and Assessment

Health and social care

11. Northern Ireland Ambulance Service Health and Social Care Trust

12. Belfast Health and Social Care Trust
13. Northern Health and Social Care Trust
14. South Eastern Health and Social Care Trust
15. Southern Health and Social Care Trust
16. Western Health and Social Care Trust
17. Regional Agency for Public Health and Social Well-being
18. Regional Business Services Organisation

Miscellaneous

19. Agri-Food and Biosciences Institute
20. Board of Trustees of the National Museums and Galleries of Northern Ireland
21. Antrim and Newtownabbey Borough Council
22. Ards and North Down Borough Council
23. Armagh City, Banbridge and Craigavon Borough Council
24. Belfast City Council
25. Causeway Coast and Glens Borough Council
26. Derry City and Strabane District Council
27. Fermanagh and Omagh District Council
28. Lisburn and Castlereagh City Council
29. Mid and East Antrim Borough Council
30. Mid Ulster District Council
31. Newry, Mourne and Down District Council
32. Invest Northern Ireland
33. Northern Ireland Assembly Commission
34. Northern Ireland Fire and Rescue Service
35. Northern Ireland Housing Executive
36. Northern Ireland Library Authority ("Libraries NI")
37. Northern Ireland Transport Holding Company
38. Northern Ireland Water Limited
39. Police Service of Northern Ireland
40. Probation Board for Northern Ireland