



Isle of Man
Government

Reiltys Ellan Vannin

Consultation on the Climate Change Bill

Department of Environment, Food and Agriculture

Rheynn Chymmhtaght, Bee as Eirinys

Consultation Paper

July 2020

Statement by Minister

In May 2019, the Chief Minister recognised a climate change emergency and made the important commitment for the Isle of Man to reach net zero carbon emissions by 2050, in line with the scientific advice from the International Panel on Climate Change (IPCC). In Tynwald in June 2019, Tynwald approved the formation of the Climate Emergency Consultative Transformation Team and commissioned an independent report to inform a Government Climate Action Plan.

Professor James Curran, an environmental leader with extensive climate change experience, was appointed as the independent Chair of the Climate Change Emergency Consultative Transformation Team (CCECTT). The independent report produced by Professor Curran¹, and the subsequent Isle of Man Government Action Plan for Achieving Net Zero Emissions by 2050², were respectively received and agreed by Tynwald in January 2020.

A fundamental part of ensuring we reach net zero emissions is appropriate climate legislation, and as such the Chief Minister made a commitment to bringing a Climate Change Bill to Tynwald in 2020. Globally, climate change legislation has been essential to ensure climate action, emissions reductions and sustainable economic growth. The work done by Professor Curran and the CCECTT has informed the development of our Climate Change Bill, ensuring we respond to the global emergency and develop a plan suitable for the Isle of Man.

Although challenging, transitioning to a zero carbon society has many benefits and ultimately will build a healthier, prosperous and more resilient society. We have an opportunity to create a better, more just, community for everyone, if we act now. Over the past few months of the devastating COVID-19 pandemic we have shown how quickly we can adapt as a community and that we have great strength and solidarity. These are important traits that will stand us in good stead as we make the transition to a net zero society.

We now seek your input into this important legislation that will provide a clear statutory commitment to reaching net zero by 2050. The provisions we propose will potentially impact on all of us and it is vital that we all work together to create a better future for everyone.

Hon Geoffrey Boot MHK

Minister for Environment, Food and Agriculture

July 2020

¹ [GD 2019/0102](#).

² [GD 2019/0101](#).

Introduction

Over the last few months we have experienced one of the most challenging times we have ever faced as a nation. The COVID-19 pandemic has been devastating for many and has changed all of our lives. However, we have shown as a society how we can act in solidarity, how we can adapt and how we can find solutions to the challenges. The pandemic has given many of us an opportunity to stop and reflect on the way that we live our lives. As we emerge from this crisis and start to rebuild, it is vital to consider the realities of climate change.

Although it may seem a daunting thing to consider in the wake of the COVID-19 crisis, responding effectively to climate change now could provide many of the opportunities needed to rebuild a resilient economy, create jobs and develop a fair and inclusive society.

Climate change is arguably the greatest threat of our time. Around the world we are already seeing the effects of a changing climate: temperatures are rising, drought and wild fires are starting to occur more frequently, rainfall patterns are shifting, glaciers and snow are melting and the global mean sea level is rising. To mitigate climate change, we must reduce or prevent the greenhouse gas (GHG) emissions linked to human activities. The United Nations (UN) has estimated that to keep the global temperature within 1.5° C or less, a global cut of 7.6% in emissions is required every year from 2020 to 2030.

Internationally, climate change legislation has been shown to guide action, cut emissions, and also promote economic growth. The Climate Change Bill (the Bill) provides a legislative framework for the Isle of Man, to ensure emission reductions are a long-term feature in economy-wide decision making, enabling us to achieve net zero emissions by 2050.

The Bill will commit this government and future administrations to reaching net zero carbon emissions by 2050 in line with United Nations Intergovernmental Panel on Climate Change recommendations. The Bill has been informed by existing climate change legislation from other jurisdictions; Professor Curran's independent 'Isle of Man Programme for Achievement of Climate Targets' report; the 'Isle of Man Government Action Plan for Achieving Net Zero Emissions by 2050 - Phase One' and the 2019 Isle of Man Government Climate Change Consultation, in addition to the two community engagement workshops and the targeted engagement exercise developed for key stakeholders at the start of this year (2020).

The Bill will align the Island's legislative position with that of the UK (particularly Scotland), whilst putting in place measures that are streamlined and appropriate for the Isle of Man's size and requirements. There has also been a focus on ensuring the Bill enables the Isle of Man Government Climate Action Plan – Phase 1 to be implemented. Such work will be supported by appropriate scientific advice from a designated scientific advisor, and other appropriate experts, to ensure our progress is accountable and credible.

The draft Bill makes provision for:

- A credible domestic framework that aligns the Isle of Man internationally as a responsible nation with respect to climate change.

- A clear target for greenhouse gas reduction with provision to set interim targets in the future.
- Requirements for reporting on greenhouse gas emissions.
- Obligations to produce sequential plans for how Government intends to achieve the 2050 target.
- Statutory powers to enable key actions to achieve delivery of net zero greenhouse gas emissions.
- Powers to amend existing legislation to facilitate provision of climate change actions.
- A statutory duty for public bodies to act to reduce greenhouse gas emissions and participate in the actions agreed in Climate Action Plans.

Why we are consulting

Climate change is something that will impact us all and we will need to make changes to ensure we achieve the goal of net zero greenhouse gas emissions. Many of the provisions set out in the Bill have the potential to change the way we live our lives, ensuring we have a fair, resilient and sustainable society in the future. This is your opportunity to have your say on this important legislative provision to support climate action, to help shape the future of the Isle of Man and to support the implementation of local solutions for our net zero goals.

Previous consultation and engagement

Over the last 2 years the Government has undertaken a number of public consultations and engagement events on climate change. In 2019 DEFA ran a public consultation to identify options and assess appetite for a range of possible measures to be included in a 2020-2030 climate change mitigation strategy. The consultation received over 1,000 responses, 96% of which were from individuals.

Of those responses, a large majority supported the development of renewable energy on the Island, an increase in energy efficiency in homes and buildings, and more education and awareness raising measures. There was broad support for initiatives that encouraged a reduction in car use, incentives for moving to low carbon options and disincentives for continuing high carbon activities.

During the process to develop Professor Curran's independent climate action report and the Isle of Man Government Phase 1 Action Plan that followed, two stakeholder workshops took place to inform the report and action plan, both of which were subsequently laid before Tynwald in January 2020.

To obtain input from key stakeholders on the proposed content of the Bill, a targeted engagement was held for two weeks commencing 17th February 2020. In addition to sending the targeted response to key stakeholders, an online response document was made available on the Consultation Hub and a drop in session was held at DEFA on Monday 24th February. Responses came from a wide range of stakeholders, including energy suppliers to agricultural and environmental agencies, charities, small business owners, Government departments and Tynwald members, with 73 responses in total.

The proposed provisions outlined in the Bill were mostly supported, and respondents largely endorsed the concept, broad aims and approach. Only one respondent opposed the Bill, on the grounds of their perception of the invalidity of climate change science.

Comments and recommendations were wide ranging, but highlighted appetite statutory energy efficiently targets, measures to enhance biodiversity, emission monitoring and reduction for public bodies, provision for carbon budgeting and vehicle emission tests, and a 'just transition'. Many respondents noted the importance of climate change education. All of the respondents' feedback from the targeted engagement was considered carefully to inform the development of the Bill.

This is now your opportunity to have your say on the specific provisions in the Climate Change Bill.

Consultation process

The consultation commences on 21st July and will run for a period of 6 weeks. Submissions with respect to the consultation must be submitted by no later than 5pm on **Tuesday 1st September 2020**.

A number of consultation and engagement events will be held during the 6 week consultation period, details of which can be found on the [Consultation Hub](#). Any questions can be sent to climatechange@gov.im

Submissions with respect to the consultation can either be –

- Made via the questionnaire on the consultation hub;
- Submitted via email to climatechange@gov.co.im; or
- Posted to the following address –

Climate Change Bill 2020 consultation,
Department of Environment, Food and Agriculture
Thie Slieau Whallian, Foxdale Road, St John's, IM4 3AS

Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all of our customers. We will take reasonable steps to accommodate any reasonable adjustments you may have to enable you to access this document or receive responses in other formats and provide such assistance as you may reasonably require. Copies of this consultation are available to read in hard copy form in public libraries around the Island.

If you would like this information another format please contact climatechange@gov.im.

Storage of personal data

Following the publication of the consultation summary the Department will ensure that data are only retained as required and in line with GDPR.

What happens next?

We will review results from the consultation which will be used to inform the final version of the legislation. We will liaise further with respondents as necessary. A consultation summary will be produced and made available on the [Consultation Hub](#).

Responses

The Bill and the subsequent consultation are large and sometimes technical documents that cover a wide range of subjects. If you only wish to respond to a certain part(s) of the Bill, please follow the instructions provided on the Consultation Hub.

The relevant consultation questions for parts of the Bill are:

- Parts 1 and 2: Introductory and Definitions (Questions 6-17)
- Part 3: Carbon targets and interim targets (Questions 18-32)
- Part 4: Planning and reporting duties of Council of Ministers (Questions 33-42)
- Part 5: Planning and reporting duties of public bodies (Questions 43-47)
- Part 6: Fossil fuel (Questions 48-50)
- Part 7: Regulation of single use plastics (Question 51)
- Part 8 and 9: Regulations and Miscellaneous (Questions 52-58)
- Schedule – Amendments to existing legislation:
 - Paragraph 1 – Forestry Act 1984 amended (Questions 59-61)
 - Paragraph 2 – Licensing and Registration of Vehicles Act 1985 amended (Questions 62-63)
 - Paragraph 3 – Electricity Act 1996 amended (Questions 64-67)
 - Paragraph 4 – Building Control Act 1991 amended (Questions 68-70)
 - Paragraph 5 – Customs and Excise Act 1993 amended (Question 71)
 - Paragraphs 6 and 7 – Town and Country Planning Act 1999 and Town and Country Planning (Development Procedure) Order 2019 amended (Questions 72-74)
- Additional/general (Questions 75-77)

Questions

Please refer to the consultation draft of the Climate Change Bill while answering the questions below (available digitally on the Consultation Hub, hard copies can also be requested from climatechange@gov.im or viewed at any library around the island).

About you

1. What is your name?

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

3. Are you responding on behalf of an organisation?

Yes No

4. If you are completing the survey on behalf of an organisation, please provide the name of the organisation

Organisation name

What type of organisation do you represent?

5. May we publish your response?

Please read our Privacy Policy for more details and your rights.

- Yes, you may publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

Part 1: INTRODUCTORY

(1) Short title

This section describes the purpose of the Bill

6. Are you content with the proposed provision?

- Yes No I don't know

If no, please explain why.

(2) Commencement

This section of the Bill highlights which provisions will be enacted straight away upon the passing of the Bill, and which provisions will come into operation once agreed by the Council of Ministers.

The following provisions will be enacted upon the passing of the Bill:

- Parts 1 and 2: Introductory and Definitions
- Section 9: The net zero Isle of Man emissions target
- Section 11: Target setting criteria
- Section 12: The domestic effort target
- Section 13: Attribution of emissions to Isle of Man

- Section 14: Isle of Man share of emissions from international aviation and international shipping
- Section 15: Determining Isle of Man emissions and removals
- Section 16: Isle of Man carbon offsetting schemes
- Parts 4: Planning and reporting duties of Council of Ministers
- Part 5: Planning and reporting duties of public bodies
- Section 37: Amendments to enactments, to the extent necessary for paragraph 2 (Licensing and Registration of Vehicles Act 1985 amended), paragraph 4 (Building Control Act 1991 amended) and paragraph 5 (Customs and Excise Act 1993 amended) of the Schedule to the Act

7. Are you content with listed parts of the Bill coming into effect when the Bill is passed?

Yes No I don't know

If no, please explain why.

8. What other provisions in the Bill, if any, do you think should come into operation immediately upon the Bill passing?

Part 2: DEFINITIONS

(3) Interpretation

The section sets out the meanings of key terms used in the Bill.

9. Are you content with the meanings of terms set out in this section?

Yes No I don't know

If no, please explain why.

(4) Greenhouse gases

This section defines "greenhouse gases" as:

- i. carbon dioxide;
- ii. methane;
- iii. nitrous oxide;
- iv. hydrofluorocarbons;
- v. perfluorocarbons;
- vi. sulphur hexafluoride;
- vii. nitrogen trifluoride.

It also enables the Council of Ministers to make regulations to add a gas to this definition, if it is internationally recognised that it contributes to climate change, subject to the Tynwald negative resolution procedure and with no statutory requirement for a consultation to be undertaken.

Note: Following the publication of the draft bill it has been suggested that nitrogen trifluoride is not listed as a greenhouse gas as the Isle of Man does not produce this gas and it therefore doesn't form part of our emissions reporting.

10. Will the list, as amended, sufficiently cover the main greenhouse gases resulting from human activity?

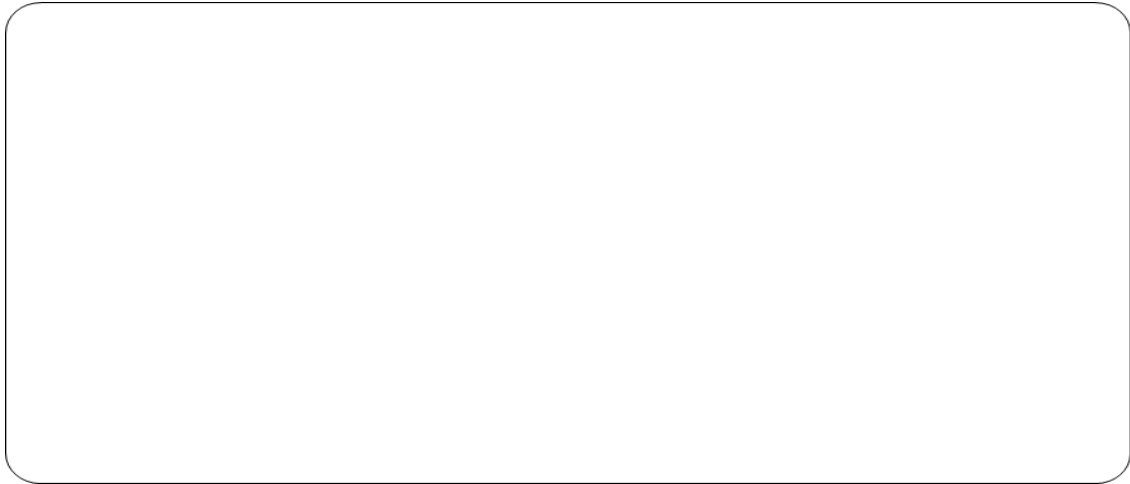
Yes No I don't know

If no, please explain why. If no, please say what gas or gases should be added to the list.

11. The proposed section means that regulations adding a greenhouse gas are subject to 'negative resolution' without having been subject to a consultation. This means that if a gas is added to the list, Tynwald would have to choose to annul the regulations rather than directly approve them and the Council of Ministers are not required to consult with the public before making such regulations. Do you think this is the appropriate procedure?

Yes No I don't know

If no, please explain why.



(5) Meaning of baseline

The Scottish and UK Climate Change Bills followed the Kyoto protocol in using 1990 as a baseline year for peak emissions. Through the introduction of climate change legislation the UK has reduced its emissions by 38% of 1990 levels. Since the Isle of Man's population and economy has grown significantly since 1990, and we have had no climate change legislation, our emissions are significantly higher than 1990 levels. Therefore it makes sense for our baseline year to be our peak emissions year, which is aligned with what is suggested in the Paris Agreement. We have chosen 2018 as this is our peak emissions year given the most recent data. It is important to note a baseline year is not important in terms of achieving net zero, as net zero is the same regardless of baseline year. However, baselines are useful for expressing interim targets for emission reductions.

For example, one of the EU's commitments under the Paris Agreement is to reduce greenhouse gas emissions by at least 40% by 2030 compared to 1990. A future interim target for the Isle of Man may identify the necessary percentage decrease in emissions, compared with our baseline of 2018, required by 2030.

Whilst using 1990 as the baseline year would be in line with the UK, it was considered that using the Island's peak emission year of 2018 would make the reductions required easier to track and understand. It will not alter the substance of any interim targets.

This section defines the term "baseline" as the net Isle of Man emissions of greenhouse gases and specifies the baseline years for different greenhouse gases. These are:

- (a) carbon dioxide, 2018;
- (b) methane, 2018;
- (c) for nitrous oxide, 2018;
- (d) hydrofluorocarbons, 2018;
- (e) perfluorocarbons, 2018;
- (f) sulphur hexafluoride, 2018;
- (g) nitrogen trifluoride, 2018.

With the exception of carbon dioxide, the Council of Ministers can, by regulations, change any of the baseline years, subject to a consultation and Tynwald approval.

Note: Subsequent to publication of the draft bill, as discussed above, the intention is to remove nitrogen trifluoride from this list has been suggested as the Isle of Man does not produce this greenhouse gas.

12. Are the suggested baseline years appropriate for the listed greenhouse gases?

Yes No I don't know

If no, please explain why.

13. Is a consultation and Tynwald approval the appropriate procedure for regulations to change the baseline year?

Yes No I don't know

If no, please say what should be required before this could happen

(6) International carbon reporting practice

This section states that Isle of Man emissions reporting must be undertaken in accordance with current international standards.

14. Are you content for the Isle of Man to report in accordance with international standards?

Yes No I don't know

If no, please explain why.

(7) Measurement of emissions

The section sets out the units of measurement which are to be used for calculating emissions (metric tonnes). This is in line with international standards.

15. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(8) Just transition principles and climate justice principles

This section explains what is meant by the terms 'just transition' and 'climate justice' which are used in the Bill.

16. Do you consider it appropriate to include these principles in the Bill?

Just transition

- Yes
- No
- I don't know

If no, please explain why.

Climate Justice

- Yes
- No
- I don't know

If no, please explain why.

17. Are the definitions of the terms set out in this section are appropriate?

Just transition

- Yes
- No
- I don't know

If no, please explain why.

Climate Justice

- Yes
- No
- I don't know

If no, please explain why.

Part 3: CARBON TARGETS AND INTERIM TARGETS

(9) The net zero Isle of Man emissions target

This section sets out the target of reducing the Isle of Man's emissions of greenhouse gases to net zero by the year 2050.

To change the target to a year later than 2050 would require amendment to the primary legislation. To change the target to a year earlier than 2050, via regulations, would require a consultation and Tynwald's approval, and would be subject to the criteria outlined.

18. Are you content with the target of net zero emissions by 2050?

Yes No I don't know

If no, please explain why.

19. Are you content with the proposed restrictions on changing the target?

Yes No I don't know

If no, please explain why (box on next page).

20. Do you have any additional comments in relation to the net zero by 2050 target?

Yes No I don't know

If yes, please add any additional comment in the box below

(10) Setting of interim targets

No interim targets are set in the Bill. This section provides the power for interim targets to be set in the future subject to certain criteria.

21. Are you content with the possibility of interim emissions reduction targets being set for the Island in the future?

Yes No I don't know

If no, please explain why.

22. Do you have any additional comments in relation to interim targets?

Yes No I don't know

If yes, please add any additional comment in the box below

(11) Target-setting criteria

Sets out the criteria that must be considered before Council of Ministers can set or amend interim greenhouse gas emission reduction targets, amend the net-zero target year or amend the baseline percentage. Any change to these criteria would have to be approved by Tynwald.

The criteria are:

- (a) the objective of achieving the net zero emissions target;
- (b) regard to the just transition and climate justice principles
- (c) scientific knowledge about climate change;
- (d) technology relevant to climate change;
- (e) economic circumstances, in particular the likely impact of the target on;
 - (i) the Isle of Man economy;
 - (ii) the competitiveness of particular sectors of the Isle of Man economy;
 - (iii) businesses; and
 - (iv) jobs and employment opportunities;
- (f) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing;
- (g) the likely impact on public health;
- (h) the likely impact of the target on the achievement of sustainable development, where applicable including the achievement of the United Nations sustainable development goals;
- (i) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon intensity and energy intensity of the Isle of Man economy;
- (j) environmental considerations and, in particular, the likely impact of the targets on biodiversity, ecosystems and ecosystem services;
- (k) international law and policy relating to climate change;
- (l) current international carbon reporting practice.

Consideration is being given to provide the target-setting criteria also include a requirement for all targets to be set on a quantitative basis (i.e. against a numerical value such as a 25% reduction in emissions of specified greenhouse gas or having improved insulation of 1,000 domestic properties). Such a requirement requires similar changes to be made elsewhere in the Bill with respect to the making of plans and reporting to Tynwald. In the Bill as drafted the Council of Ministers would have discretion on using quantitative or qualitative targets, or both.

23. Do the criteria cover everything that should be considered before a greenhouse gas target is changed?

Yes No I don't know

If no, please say what else should be considered.

24. Are you content with the process for modifying the criteria?

Yes No I don't know

If no, please explain why.

25. Do you think Council should be required to set targets on a quantitative basis?

Yes No I don't know

If no, please explain why.

26. Do you have any additional comments in relation to the target-setting criteria?

Yes No I don't know

If yes, please add any additional comment in the box below

(12) The domestic effort target

This section states that the Council of Ministers must ensure that the net zero emissions target and any interim targets are based on not less than 100% domestic effort. This means that net zero emissions cannot be achieved by offsetting Isle of Man emissions through schemes elsewhere in the world.

27. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(13) Attribution of emissions to Isle of Man

This section provides that emissions of greenhouse gases are attributed to the Isle of Man if they are emitted on the Island.

This section also permits the Council of Ministers to attribute other emissions to the Isle of Man if Tynwald approves.

28. Do you have any comments to make about the emissions be attributed to the Isle of Man?

Yes No I don't know

If yes, please say which emissions

(14) Isle of Man share of emissions from international aviation and international shipping

This section sets out that emissions from international shipping and aviation created by vessels and aircraft registered in the Isle of Man will not currently be attributable to the Isle of Man.

This section would enable such emissions to be attributed to the Island in the future, for example to keep in line with international agreements, subject to regulations that been subject to consultation and subsequently received Tynwald approval.

Note that emissions from domestic shipping (e.g. the Manx fishing fleet) and aviation are attributed to the Isle of Man or are split equally in respect to travel between the Island and the UK (e.g. emissions from ferry travel).

29. Do you have any comments to make about the attribution of emissions from international shipping and aviation?

Yes No I don't know

If yes, please say which emissions

(15) Determining Isle of Man emissions and removals

This section sets out the definitions of the terms 'Isle of Man emissions' (i.e. emissions of greenhouse gases from an activity associated with the Island), 'Isle of Man removals' (i.e. the removal of greenhouse gases as a consequence of activities associated with the Island) and 'net Isle of Man emissions' (i.e. the sum of Isle of Man emissions and Isle of Man removals).

30. Do you agree that the definitions of the terms in this section are appropriate?

Yes No I don't know

If no, please explain why.

(16) Isle of Man carbon offsetting schemes

A carbon offset is a reduction or absorption of emissions of carbon dioxide or other greenhouse gases made in order to compensate for emissions made elsewhere. A local carbon offsetting scheme would mean that an individual or business could compensate locally for greenhouse gas emissions created through an activity, such as off-Island air travel, via projects such as tree planting, energy efficiency projects or seagrass restoration.

This section of the Bill provides the powers necessary for a local carbon offsetting scheme to be set up on the Island in the future, via regulations made following a consultation and subject to Tynwald approval, and the criteria for doing so. The scheme could be run by either Isle of Man Government or a private enterprise. A local carbon offsetting scheme could contribute to meeting emissions reduction targets by raising fund for carbon sequestration projects in addition to those already planned.

31. Do you have any comments about the provision for local offsetting schemes?

Yes No

If yes, please add any comments in the box below

32. Do you believe the criteria for setting up a local carbon offsetting scheme are appropriate?

- Yes No I don't know

If no, please explain why.

33. Should offsetting schemes be limited to activities which remove greenhouse gases from the atmosphere (e.g. carbon sequestration enhanced by planting trees or seagrass) or include activities which reduce emission as well (e.g. energy efficiency projects)? The draft bill currently provides for both.

- Gas removal only Gas removal and emissions reduction I don't know

Part 4: PLANNING AND REPORTING DUTIES OF COUNCIL OF MINISTERS

(17) Climate change plan & (18) Content of the Climate Change Plan

These sections create a duty for the Council of Ministers to prepare a plan, at intervals of not more than 5 years, setting out how they will reduce emissions during that time. The contents of what the plan must and may include are set out in section 18. The Council of Ministers must ensure there is a plan in effect at all times after 1 April 2022 and that, following a consultation, such plans are laid before Tynwald before they come into effect at interval no greater than 5 years.

34. Are you content for a Climate Change Plan to be produced at intervals of not more than 5 years?

Yes No I don't know

If no, please explain why.

35. Are you content with the required contents of the plan?

Yes No I don't know

If no, please explain why.

36. Are you content with the proposed process for publishing the plan by having it consulted upon and then laid before Tynwald?

Yes No I don't know

If no, please explain why.

37. Do you have any additional comments in relation to the Climate Change Plan?

Yes No

If yes, please add any comments in the box below

(19) Annual progress report

This section creates a requirement for an annual progress report to be laid before Tynwald, no later than July of each year, setting out the action undertaken to reduce emissions during that time. The report is a counterpart to the Climate Change Plan and is focussed on actions rather than emissions data.

This section sets out what must and what may be included in the report. Please refer to section 19 of the Bill to view the full list of requirements.

38. Are you content for a report on action to reduce emissions to be compiled, published annually and then laid before Tynwald?

Yes No I don't know

If no, please explain why.

39. Are you content with the proposed contents of the report?

Yes No I don't know

If no, please explain why.

40. Do you have any additional comments in relation to the annual progress report?

Yes No

If yes, please add any comments in the box below

This section creates a duty for detailed emissions reports to be published at intervals of not more than 5 years for the purpose of monitoring progress and trends towards targets. Such reports must be laid before Tynwald no later than 2 years after the end of the 5 year reporting period and contain the information set out in section 20(4).

Annual emissions calculations will continue to occur. However, due to annual fluctuations such reports are not considered a good indicator of trends or overall progress and so there will not be a statutory requirement to lay the annual emissions reports before Tynwald.

41. Are you content for statutory emissions reporting to be compiled and published at intervals of not more than 5 years? (Annual emissions reporting will continue and will be made available, usually approximately 2 years after the end of the year being reported on)

Yes No I don't know

If no, please explain why.

42. Are you content with the proposed contents of the report?

Yes No I don't know

If no, please explain why.

43. Do you have any additional comments in relation to the 5 yearly emissions report?

Yes No

If yes, please add any comments in the box below

Part 5: PLANNING AND REPORTING DUTIES OF PUBLIC BODIES

(21) Climate change duties of public bodies

The Bill proposes the following definition of a public body (adapted from the Freedom of Information Definition): A 'public body' is a formally established organisation that is (at least in part) publically funded to deliver a public or government service.

The term refers to a wide range of entities that are covered as within the Public Sector such as Statutory Boards (e.g. the Manx Utilities Authority); public authorities (e.g. the Manx Museum and National Trust); Douglas Corporation and the Commissioners; and publicly owned companies (e.g. the IOM Steam Packet Company).

This definition does not include public entities that do not require staff to carry out their functions, such as public funds or trusts.

This section imposes a "climate change duty" on the defined public bodies to act in a way that contributes to:

- (1) the meeting of the net-zero emissions target;
- (2) the meeting any interim emissions targets;
- (3) sustainable development;
- (4) supporting the principles of a just transition and climate justice; and
- (5) protecting and enhancing biodiversity and ecosystems.

It also confers on Council of Ministers the power to impose further climate change-related duties on public bodies, to remove or modify those duties and to amend the definition of public bodies.

44. Are the climate change duties appropriate?

Yes No I don't know

If no, please say in what way they should be changed.

45. Is the definition of public bodies appropriate?

Yes No I don't know

If no, please say in what way they should be changed.

(22) Guidance to public bodies

This section sets out the circumstances and process relating to guidance issued by the Council of Ministers to public bodies concerning their climate change duties.

46. Do you have any comments on the provision of guidance to public bodies on their climate change duties?

Yes No

If yes, please provide further details

(23) Reporting by public bodies on climate change duties

This section enables the Council of Ministers to require public bodies to report on compliance with their climate change duties.

It also enables Council to designate a monitor to investigate this compliance.

47. Is requiring a report an appropriate way of ensuring that public bodies meet their climate change duties?

Yes No I don't know

If no, please say what should be required.

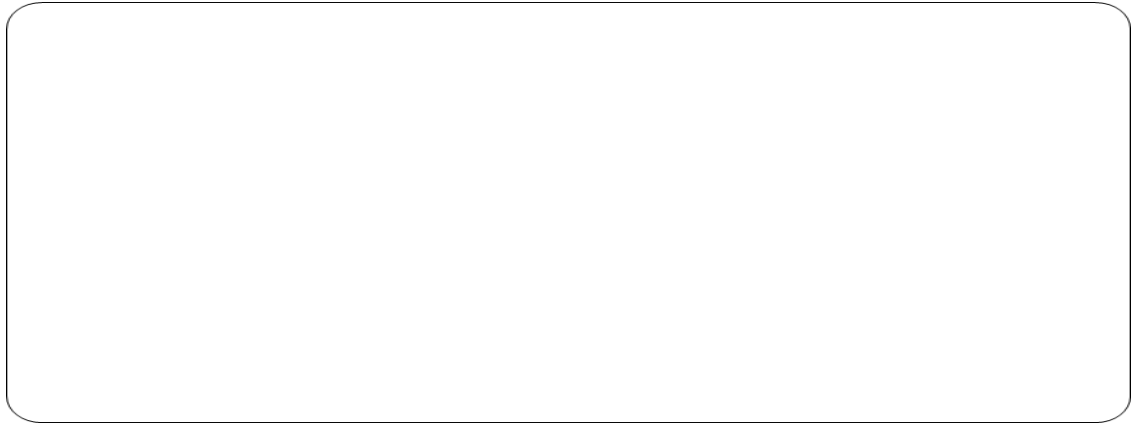
(24) – (27) Provisions relating to the monitor

Section 24 permits the Council of Ministers to designate a monitor to oversee and, if necessary, investigate whether public bodies are fulfilling their duties under the Bill. Sections 25-27 set out the reporting which must be undertaken by the monitor, a duty for the Council of Minister to provide guidance to the monitor and the power for the Council of Ministers to direct the monitor.

48. Are you content with the proposed provisions relating to the monitor?

Yes No I don't know

If no, please explain why.



PART 6 – FOSSIL FUEL

(28) Fossil fuels and fossil fuel heating systems

Three stages have been identified for the reduction of emissions from fossil fuel heating and this path will be enabled by the proposed provisions in this section:

Stage 1 is a ban on the installation of fossil fuel heating systems (e.g. fossil fuel gas or heating oil boilers) in new buildings from 1 January 2025.

Stage 2 allows the Council of Ministers to ban the installation of replacement fossil fuel powered heating systems at a date to be determined in the future, subject to a consultation and Tynwald approval.

Stage 3 creates powers to restrict the use, sale and importation of fossil fuels in the Island, subject to a consultation and Tynwald approval.

When new build properties are designed with good insulation and ventilation systems, it's possible to achieve significant energy savings compared to conventional fossil fuel heated buildings. Heating for new buildings would need to be either powered by electricity (e.g. ground or air source heat pumps) which is currently fossil fuel in origin but will be transitioning to renewable sources in line with the commitment for 75% of energy from renewable sources by 2035. Other alternatives to fossil fuel heating from renewable sources could also be used.

In the Bill, 'fossil fuel' has the same meaning as in the UK Energy Act 2013, namely:

- (a) coal;
- (b) lignite;
- (c) peat;
- (d) natural gas (within the meaning of the Energy Act 1976 ["natural gas" means any gas derived from natural strata]);
- (e) crude liquid petroleum;
- (f) bitumen;
- (g) any substance which —

- (i) is produced directly or indirectly from a substance mentioned in paragraphs (a) to (f) for use as a fuel, and
- (ii) when burned, produces a greenhouse gas.

Heating 'systems' refer to systems in or serving (e.g. community generation systems) a new building, such as fossil fuel oil boilers, coal and gas, but would not include log burners.

Note: The MUA power station which provides the vast majority of the Island's electricity is not included under this measure. However, there is a commitment to provide 75% renewable electricity by 2035 so ensuring home electrification before the power station is decommissioned is essential to ensure we switch over to renewable energy to meet this target.

49. Do you have any comments on the January 2025 date for a ban on fossil fuel heating systems being installed in new buildings?

Yes No I don't know

If yes, please add any comments in the box below

50. The Bill provides for a future ban on replacement fossil fuel heating systems in existing properties. The decision over when this is implemented would be subject to further consultation and the approval of secondary legislation in Tynwald. Are you content with this approach?

Yes No I don't know

If no, please explain why.

51. The Bill also enables the implementation of regulations which can restrict the use, sale and importation of fossil fuels for the purpose of reducing emissions. Such regulations would be subject to a consultation and Tynwald approval.

Do you have any comments on this approach?

Yes No I don't know

If yes, please add any comments in the box below

Part 7: REGULATION OF SINGLE USE PLASTICS

(29) Regulation of single use plastics

This section enables DEFA to make secondary legislation concerning the sale and distribution of single use or disposable plastics and to introduce levies for some of these items.

Before making any secondary legislation under this section, DEFA must consult with the public on a draft of the legislation. The legislation would then be subject to Tynwald approval.

52. Are you content with the measures proposed to reduce the use of single use plastics?

Yes No I don't know

If no, please state what other actions should be included in any legislation.

Part 8: REGULATIONS

(30) Regulations and orders: general

This section sets out general information relating to the making of regulations under the Bill and the power to impose penalties for breaches of those regulations.

53. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(31) Application of legislation of the United Kingdom to the Isle of Man

This section enables UK legislation, of a prescribed description that is relevant to climate change, to be applied to the Isle of Man, to such extent and subject to such modifications as necessary, subject to a consultation and Tynwald approval.

The proposed provisions are intended to provide tool for maintaining alignment with the UK where it is felt necessary or beneficial to the Island. For example, it will be important to ensure that our legislation on single use plastics is aligned with the UK to avoid the dumping of illegal plastic items on the Island following bans being introduced in the UK.

54. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(32) Regulations and orders: Powers of entry

This section provides powers relating to enforcement which may be included in secondary legislation made under the Bill. Those powers include the ability of authorised officer to enter premises and dwellings under certain circumstances to ascertain whether a crime has been committed.

The powers are not usable until such time as they are brought into effect by regulations that would be subject to a consultation and Tynwald approval.

55. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(33) Regulations and orders: Fixed penalties

This section provides powers relating to enforcement which may be included in secondary legislation made under the Bill.

These powers include the ability of authorised officer to issue fixed penalties where a crime has been committed. Fixed penalties are a fine and do not require the person who committed the crime to be prosecuted or appear in court. An example of existing fixed penalties are the fines issued for parking offences.

The powers are not usable until such time as they are brought into effect by regulations that would be subject to a consultation and Tynwald approval.

56. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

Part 9: MISCELLANEOUS

(34) Exercise of duties by Council of Ministers

This section states that the Council of Ministers, in exercising the functions conferred on it by this Act, must do so in a way that—

- (a) contributes to the achievement of sustainable development;
- (b) provides for a just transition and climate justice; and
- (c) protects and enhances biodiversity and ecosystems and the services they provide

57. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why in the box on the next page.

(35) Consultation

This section describes the consultation requirements for all regulations made under the Bill, except when expressly provided otherwise.

58. Are you content with the proposed provision?

Yes No I don't know

If no, please explain why.

(36) Climate impact assessments

This section enables the Council of Ministers to determine the content, form and applicability of Climate Impact Assessments, subject to Treasury and Tynwald approval.

59. Which functions of public bodies should require a Climate Impact Assessment to be completed?

I don't know

SCHEDULE - AMENDMENTS TO ENACTMENTS

1 - Forestry Act 1984 amended

This paragraph establishes a register of peatland that will designate and protect these areas.

The section also makes amendments to the Forestry Act 1984 to ban the cutting of peat for fuel.

60. Are you content with the provisions made in this section?

Yes No I don't know

If no, please state why not.

61. Should peatland be protected by appearing on the proposed register?

Yes No I don't know

If no, please state why not.

62. Do you have any concerns regarding the register?

Yes No I don't know

If yes, please state your concerns and how they might be addressed.

2 - Licensing and Registration of Vehicles Act 1985 amended

This paragraph amends the Licensing and Registration of Vehicles Act 1985 to provide DOI with vires to make regulations at a later date (not yet determined), to -

1. prohibit the registration of prescribed classes or types of vehicle on the Island; and
2. vary the registration and change of ownership charges imposed based on the class or type of vehicle.

Note: Before dates are set to ban particular types of vehicles, further studies and consultation will be required to determine what is appropriate, and to make certain that there are viable alternatives, in keeping with the commitment to a just transition. Any prohibitions or charges would be set out in regulation and only have effect following Tynwald approval.

63. These vires will allow the DOI, by regulation, to prohibit the registration of specified classes or types of vehicle in order to help achieve the Council of Ministers goal for net zero carbon emissions transport by 2050.

Are you content with this proposal?

Yes No I don't know

If no, please explain why.

64. This provision also provides the DOI with powers to charge differing registration and change of ownership charges depending on the class or type of vehicle. Higher charges could be used to discourage the purchase of highly polluting vehicles and help support the purchase of low polluting or zero emission vehicles.

Are you content with this proposal?

Yes No I don't know

If no, please explain why.

3 - Electricity Act 1996 amended

This paragraph amends the Electricity Act 1996 to expand the duties of the Manx Utilities Authority ("MUA") to include the duty to have regard to the Climate Change Act and plans etc. made under it. Any change that has the potential to affect the consumer will be subject to further consultation and considerations of implications, to ensure a just transition before any changes are approved by Tynwald.

The section also permits small-scale renewable energy generation (such as community energy generation projects), subject to the Department of Infrastructure setting a maximum limit of energy generation capacity and the permitted sources of energy in secondary legislation. This legislation must be consulted on and will require Tynwald approval.

65. Do you support the requirement for the MUA to have regard to the aims of the Climate Change Bill

Yes No I don't know

If no, please specify your reasons.

66. Is it appropriate for the MUA to allow small-scale renewable energy generation?

Yes No I don't know

If no, please specify your reasons.

67. Small scale renewable energy is limited to a specified maximum capacity of 20 megawatts, are you content with this provision?

Yes No I don't know

If no, please explain why.

68. Are you content with the following list of sources of energy and technologies for generating renewable energy outlined in the Bill?

- (a) biomass;
- (b) biofuels;
- (c) fuel cells;
- (d) photovoltaics;
- (e) water (including waves and tides);
- (f) wind;
- (g) solar power;
- (h) geothermal sources;
- (i) combined heat and power systems with an electrical capacity of 50 kilowatts or less.

Yes No I don't know

If no, please explain why.

This paragraph amends the Building Control Act 1991 in a way which means that plans for new build properties, which include a fossil fuel heating system, will cease to be valid from 1 January 2025. Note this will not currently affect renovation of existing properties or replacing existing devices, but there is provision to bring in wider bans at a later date.

This is in relation to the ban on installation of fossil fuel heating system in new buildings set out in the provisions relating to the banning of fossil fuels.

69. The proposed provisions mean that if a plan, which includes a fossil fuel heating system, has already been approved it will lapse if the heating system is not installed before 1 January 2025. This applies whether or not construction has begun. Are you content with this proposal?

Yes No I don't know

If no, please explain why.

70. The proposed provisions provide the ability to building control authorities, during the 6 months prior to 1 January 2025, to reject plans which include fossil fuel heating systems if it is not reasonable to expect installation of that heating system to be completed before 1 January 2025. Are you content with this proposal?

Yes No I don't know

If no, please explain why.

We are aware that the amendments to the Building Control Act 1991 do not make provision for developments of more than one building, but which have received a single building control approval, if some of the buildings have had their fossil fuel heating systems installed before the cut-off date but others have not.

In such a situation it is intended that the approved plan would only lapse in relation to those buildings in which installation of the fossil fuel heating system was not complete before 1 January 2025. A new plan would need to be submitted for those buildings only.

Buildings in the same development which already had their fossil fuel heating systems installed before 1 January 2025 would not be affected.

71. Do you think this is the best way to approach the ban in relation to multiple building developments which have been granted a single approval?

Yes No I don't know

If not, please provide details on how else we could resolve this issue.

5 - Customs and Excise Act 1993 amended

This paragraph amends the Customs and Excise Act 1993 to ensure that there is clear vires for Treasury to be able to apply UK environmental taxation legislation to the Island where it is of the opinion that the tax concerns the import/export of goods or the movement of goods between the UK and the IOM.

72. Are you content with the proposed amendments enabling Treasury to apply UK appropriate environmental taxation legislation?

Yes No I don't know

If no, please state what else should be considered.

6 - Town and Country Planning Act 1999 amended

This paragraph amends the Town and Country Planning Act 1999 to:

- enable the Department to undertake the restoration and maintenance of peatland without having to apply for planning permission;
- add a requirement for all development plans to take into account “climate change factors” (i.e. the maximisation of carbon sequestration, the minimising of greenhouse gas emissions, the maintenance and restoration of ecosystems, biodiversity net gain , the need for Sustainable Drainage Systems and the provision of active travel infrastructure); and
- create a requirement for the Council of Ministers to issue a national policy directive covering climate change factors.

This section also amends the Town and Country Planning (Development Procedure) Order 2019 such that, where practicable, planning applications have regard to climate change factors. This requirement would apply to the majority of planning applications. However, it would not apply to those planning applications to which paragraphs 3 to 6 of Schedule 1 apply (i.e. applications for change of use only, for approval of reserved matters, to replace windows or doors in a conservation area, and minor changes).

73. Are the amendments to the Town and Country Planning Act 1999 appropriate?

Yes No I don't know

If no, please state what, if any, amendments should be made.

74. Do you feel that the amendments to planning legislation in the Bill are sufficient to ensure that climate change is adequately considered in planning matters?

Yes No I don't know

If no, please explain why.

7 - Town and Country Planning (Development Procedure) Order 2019 amended

This section amends Amendments to Town and Country Planning (Development Procedure) Order 2019 to create a requirement for all planning applications (with the exception of change of use, reserved matters, replacement windows and doors in conservation areas and minor changes) to demonstrate regard for the following considerations:

- (i) the maximisation of carbon sequestration;
- (ii) the minimising of greenhouse gas emissions;
- (iii) the maintenance and restoration of ecosystems;
- (iv) biodiversity net gain;
- (v) the need for sustainable drainage systems; and
- (vi) the provision of active travel infrastructure.

Alternatively, the application must explain why consideration of one or more of the above is not practicable in relation to the proposed development.

75. Are the amendments to the Town and Country Planning (Development Procedure) Order appropriate?

Yes No I don't know

If no, please state what, if any, amendments should be made.

Additional

The proposed Bill has been drafted with regard to existing Manx legislation and climate change legislation from around the world. The Bill is intended to provide a wide range of enabling powers capable of achieving, in the first instance, the existing Council of Ministers Climate Action Plan and facilitating sustained action toward the 2050 net zero target.

76. Does the proposed Bill include everything you expected and/or believe necessary to achieve net zero emissions by 2050?

Yes No I don't know

If no, please describe what you feel is missing and why.

77. Does the Bill include anything, not mentioned in previous questions, which you do not feel is appropriate or necessary?

Yes No I don't know

If yes, please describe what and why.

78. Do you have any other comments on the Climate Change Bill?

Yes No I don't know

If yes, please add any comments in the box below

Thank you very much for your response to this consultation.

Please email your response to climatechange@gov.im or post to:

Climate Change Bill 2020 consultation,
Department of Environment, Food and Agriculture
The Slieau Whallian, Foxdale Road, St John's, IM4 3AS