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Mrs Tracey Teague
Head of Climate Change and Science
Innovation Group,
DAERA

1 October 2025

By email only

Dear Tracey,

Public Consultation on Northern Ireland's Draft Climate Action Plan 2023-2027

I welcome this opportunity to respond to the consultation on Northern Ireland's first Climate Action Plan (CAP). Together with the Environmental Improvement Plan (EIP), the CAP will form a foundational part of environmental governance in Northern Ireland. It should help to address the joint climate and biodiversity crises by reducing carbon emissions, growing the green economy, and protecting and improving the environment, human health and wellbeing.

Getting to this stage is commendable, and there is much to welcome within this draft. In particular, the extensive work undertaken to quantify the impacts of a wide range of policies and proposals on emissions levels. The transparency that DAERA has shown in this work will be key to getting the buy-in and commitment from across society to deliver on these ambitious targets. Publication of the draft CAP marks an important milestone, and, whilst acknowledging you will want to fully consider responses to this consultation, I would urge that this momentum not be lost.

Given the significant role that the CAP will have to play, we welcome this opportunity to help to ensure it is robust and fit for purpose, and it is in this spirit that I write. As set out in the draft CAP there are several oversight bodies that will be of relevance to its success.¹ Our response to this consultation, therefore, focuses on those matters that are of greatest relevance and strategic significance to the OEP, principally that which is covered in chapter 8 concerning the natural environment and climate change, and specifically the targets for the natural environment.

¹ Northern Ireland draft Climate Action Plan, 2023-2027, section 3, chapter 9

Targets for the natural environment

To help meet the challenge of reducing NI's greenhouse gas emissions and achieving its carbon budgets within the prescribed timeframe,² the CAP must include targets for greenhouse gas emissions, soil quality, biodiversity and air quality.³ This presents an important opportunity for Northern Ireland to establish bespoke targets for the natural environment within the context of climate change, and with which its broader environmental governance can align.

Responding to the consultation presents us with our first opportunity to scrutinise these targets. It is therefore regrettable that in our view the proposed targets, if adopted in their current form, would not satisfy the requirements of the Climate Change Act (Northern Ireland) 2022. We set out below and in the Annex our views on the targets and how they might be improved.

Without these targets, the duties on Northern Ireland departments under sections 29(4) and 52 of the Climate Change Act (Northern Ireland) 2022 ("the Act") to exercise their functions to ensure consistency with the CAP and to meet the carbon budgets are all the more challenging. The necessity for Northern Ireland departments to comply with the provisions of the Act have been conspicuously illustrated by recent a Court decision.⁴ It is in this context that we comment on the appropriateness of the targets proposed in the draft CAP.

Good targets should be specific, measurable, achievable, relevant and timebound (SMART). In the context of the joint biodiversity and climate challenges faced in Northern Ireland, they must be ambitious and based on the best available evidence - showing how the targets have been calculated to best achieve the relevant carbon budget. In this instance targets are for the 2023-2027 budgetary period.

While the targets for this period may necessarily be modest in order to be achievable within the timeframe, they should pave the way for more ambitious interim targets in subsequent budgetary periods. These interim targets must ultimately plot the course to meeting the overall 2050 targets for soil, biodiversity and air quality. Further, we consider it would be advantageous to establish the targets for 2050 now, to inform the development of the interim targets and better support the long-term planning required for their achievement. There is an opportunity here to link these targets and their monitoring and evaluation to the GHG inventory, and the quantification process undertaken for the carbon budgets.

We do not consider that, in their current form, the targets for soil quality, biodiversity and air quality meet the legal requirements of the Act. It is not clear how they have been set in a way best calculated to achieve the 2023-2027 carbon budget, nor do they establish a clear baseline from which progress will be measured.

² Section 25 of the Act requires DAERA to set carbon budgets for the budgetary periods at a level that it is satisfied is consistent with "*meeting*" the relevant emissions target for 2030, 2040 and 2050.

³ Section 32 of the Act

⁴ Re Hassard's application [2025] NIKB 42

The requirements for targets for soil quality, biodiversity and air quality are no less significant than the establishment of targets for greenhouse gas emissions - either in law, or in practice, and in terms of their role in meeting the carbon budget. However, there is a notable difference between what is presented in chapter 2.6 of the draft CAP, in respect of greenhouse gas emission targets, and chapter 8 for the natural environment targets. This is in terms of the targets themselves, and the evidence underpinning them and their baselines. We provide further analysis as to how we have reached our conclusions and provide recommendations for how our concerns might be addressed in the Annex to this letter.

Other matters

We have also included in the Annex comments on Nature-Based Solutions, which are covered in chapter 8 of the draft CAP.

Further, we welcome inclusion in the draft CAP of description of the various roles and responsibilities of those involved in governance surrounding the CAP (at chapter 9, 'Governance for Delivery'). Here it is important to note that our enforcement role (as described in our Enforcement Policy) applies to all environmental law.⁵ As such, where the OEP considers there has been a serious failure to comply with environmental law (including within the context of the Act), we may take enforcement action.

Following this consultation period, there is an opportunity to address the issues we have identified before adoption of a CAP. I know you will want to seize this opportunity, so that it can become the viable and robust long-term strategy around which action for the climate and biodiversity crises can effectively align. As such, we would welcome further engagement on this matter if that would be helpful.

Yours sincerely,



Natalie Prosser
Chief Executive of the Office for Environmental Protection



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⁵ [Our Strategy and Enforcement Policy 2024 | Office for Environmental Protection](#)

Annex - Office for Environmental Protection comments on specific aspects of the NI Climate Action Plan consultation

Proposed soil quality and biodiversity targets (chapter 8, sections 8.2 & 8.3)

Section 32 of the Act provides that the CAP “*must contain targets to be achieved during the relevant budgetary period*” in the areas of -

- (a) soil quality, and
- (b) biodiversity.

Those targets must be set in a way “*best calculated to achieve the relevant carbon budget*”, *after* taking into account various factors listed in subsection (2). These include factors such as international law and, “*the impact of such targets on the environment of Northern Ireland*” (as per section 32(2)(b)).

It is not clear from the draft CAP either how these targets have been set in a way best calculated to achieve the 2023-2027 carbon budget, or how the factors set out in section 32(2) have influenced the proposed targets for soil quality and biodiversity.

In respect of both targets it would be helpful to see how relevant factors have been taken into account and the targets developed on appropriate evidence. We consider this would also usefully be the case for the selection of the proposed measures to achieve them.

Proposed target for soil quality (chapter 8, section 8.2)

In respect of soil quality, section 8.2 of the draft CAP provides:

“The proposed Soil Quality Target is:

By 2027, to have at least 75% of Northern Ireland agricultural fields soil sampled and analysed to form a baseline of key soil nutrients from which further and more refined targets in respect of soil nutrient health can be considered.”

In our view, this target does not set a target in the area of soil “*quality*”, it sets a target for soil sampling and analysis so that a baseline can be formed and more “*refined targets*” can be “*considered*”. In addition, there does not appear to be any information setting out how this ‘target’ has been *best calculated* to achieve the relevant (i.e., 2023-2027) carbon budget as required by section 32(2) of the Act. We therefore consider that this draft target does not meet the requirements of the Act.

The consultation includes information on the Soil Nutrient Health Scheme (“SNHS”), which is a unique Northern Ireland wide soil testing programme designed to establish a verifiable baseline database of key soil nutrients by 2027. The OEP understands that the scheme opened in 2022 and therefore is well progressed. The draft CAP goes on to explain that the key soil nutrients are phosphorus (P), potassium (K), magnesium (Mg), sulphur (S), calcium (Ca), as well as pH (acidity) and soil organic matter.

The draft CAP does not go on to provide targets in respect of these soil nutrients, pH or soil organic matter. The OEP understands the challenges explained in the draft CAP in setting a target for soil quality, in particular for soil organic matter. However, we

consider the evidence to support the establishment of targets for the soil nutrients and pH is available. As currently drafted, the soil quality target is not so much a target, as setting a process to – in due course and at an unspecified date – set a target. As such, in our view, it fails to set a target as required by section 32(1) of the Act.

The OEP also considers that setting a clear target will be important for other objectives, including those of the Environmental Improvement Plan for Northern Ireland (the “EIP”). Here it states that by 2031 sustainable management and efficient use of natural resources including water and soils will have been achieved (at page 24 under ‘Actions & Targets’). Establishment of a clear target for soil quality in the CAP will actively contribute to the achievement of the EIP target.

In light of the above, the OEP recommends the following:

Recommendation 1: DAERA should review the proposed soil quality target, to ensure it will be sufficient to achieve the intended environmental outcomes and meet the legal requirements of the Act.

Recommendation 2: DAERA should explain how it has arrived at any revised proposed target and the proposed measures to achieve the target. It should also set out the baseline from which progress will be measured.

Proposed target for biodiversity (chapter 8, section 8.3)

The proposed biodiversity target, as per section 8.3 of the draft CAP, is:

“By 2027, to have 65% of designated features in protected sites to be in or approaching favourable conservation condition, and at least 12% of all land, freshwater and marine environments effectively conserved, managed and well connected for nature.”

The language used, referring to designated features in protected sites being “*in or approaching*” favourable conservation conditions is not clearly explained or defined in the draft CAP.⁶ It is not clear how “approaching favourable conservation condition” could be understood, evaluated, measured or discharge the requirement for a “target to be achieved” as required by the Act. We also suggest defining what is included in the term “protected sites”.

Further, like the proposed soil quality target, there does not appear to be any information setting out how this target has been best calculated to achieve the relevant (i.e. 2023-27) carbon budget as required by section 32(2) of the Act. In terms of the target percentage itself of 65% of designated features in protected sites to be in or approaching favourable conservation condition by 2027, there appears to be the potential for misalignment between this target and the 2030 target in the EIP for ASSI condition. In the EIP, it is provided that by 2030 “*95% of the features underlying the designation of ASSIs to be in, or approaching, favourable conservation condition*”. Given the three-year gap between 2027 and 2030 it may be that the intention of the

⁶ The EIP also uses the language of “*in, or approaching*” in respect of the 2030 target therein for Areas of Special Scientific Interest (“**ASSIs**”)

proposed CAP target is that it is an interim target on the way to achieving the 95% target in the EIP. However, as currently drafted, this is not clear.

In addition, we consider that the CAP should provide the baseline from which progress will be measured. This would assist in putting the target into context and will also be important for informing monitoring and evaluation.

Finally, the OEP observes that whilst functioning ecosystems do tend to absorb more carbon, a clear link between favourable condition and climate action could be better explained. For instance, a specific target on peatland restoration or woodland creation, would have a direct and measurable link to the land use, land use change and forestry (LULUCF) category in the Northern Ireland GHG inventory, thereby giving a clear indication of how the biodiversity target could make a meaningful contribution to the overall carbon budget. In addition, the recent publication of the NI Peatland Strategy could provide a road map for the delivery of a peatland target if adopted.

Recommendation 3: DAERA should review the proposed biodiversity target, to ensure it will be sufficient to achieve the intended environmental outcomes and meet the legal requirements of the Act. The target should also be reviewed in light of the 2030 target for ASSI condition in the EIP.

Recommendation 4: DAERA should explain how it has arrived at its proposed target or any revised target and the proposed measures to achieve the target. It should also set out the baseline from which progress will be measured.

Recommendation 5: The text which currently provides for protected sites to be in or “*approaching*” favourable conservation condition should be revised to clarify that the target for biodiversity is to be “*achieved during the relevant budgetary period*”. Alternatively, the CAP should provide an explanation for the meaning of this term.

Proposed target for air quality (chapter 8, section 8.4)

Section 32(3) requires that each CAP “*must... include annual targets on—*

- (a) *greenhouse gas emissions, and*
- (b) *air quality.*”

It appears that this is sought to be addressed, in relation to air quality, in section 8.4 of the draft CAP, which states:

“In 2025, DAERA will engage with other departments and key delivery organisations, with a view to considering the feasibility of implementing new regulations that would bring into operation tighter annual average limits/targets/ objectives for PM_{2.5} and PM₁₀, in line with interim target 4 of the World Health Organisation Air Quality Guidelines 2021 of 10 and 20 ug/m³ respectively.”

The explanation on page 208 of the CAP continues that: *“If brought in, it is envisaged that these tighter annual average limits/targets/objectives for PM_{2.5} and PM₁₀ would be applied as a target in the next Climate Action Plan.”*

Therefore, it appears that no annual air quality targets are proposed for *inclusion* in *this CAP* and the draft CAP states that “*if brought in*” tighter annual targets would be

included in the next CAP. We are therefore concerned that this draft CAP does not meet the requirements of the Act to *include* annual air quality targets.

The final CAP should be revised to move beyond a commitment to engage with other departments and key delivery organisations to setting annual targets for air quality in each year, in line with the approach taken to the annual greenhouse gas emissions targets set out in section 2.6 of the draft CAP. This is what is required by sections 32(3)(b) and 51(6)(b) of the Act.

Further, in terms of the air quality target itself, the Air Quality Standards Regulations (Northern Ireland) 2010 set annual average limit values (Schedule 2) and targets (Schedule 3) for PM₁₀ and PM_{2.5}. It is not clear from the draft CAP how these existing standards form part of the approach set out in section 8.4.

Finally, although the interim target of the World Health Organisation Air Quality Guidelines is referred to, there is no express consideration of why that target has not been included. For instance, it may be that the conclusion is that that target is not realistic. However, it would be helpful if an explanation were included as to why it has not been adopted or indeed another specific target included. Instead, the approach is to state that it is “envisaged” that tighter annual average targets for PM_{2.5} and PM₁₀ would be applied as a target in the next CAP.

Recommendation 6: DAERA should review the proposed approach to including annual air quality targets in the CAP, to ensure it will be sufficient to achieve the intended environmental outcomes and meet the legal requirements of the Act.

Recommendation 7: DAERA should explain how it has arrived at any revised annual targets. It should also set out the baseline from which progress will be measured.

Nature-Based Solutions (chapter 8, section 8.5)

The requirements in section 34 of the Act are that the CAP shall “*as far as is practicable support nature based projects*” that enhance biodiversity, protect and restore ecosystems, and seek to reduce, or increase the removal of, GHG emissions or support climate resilience. Further, section 30(2)(b) of the Act provides that each Northern Ireland department must also “*have regard to*” the desirability of using and supporting nature-based projects.

Whilst we consider the requirements of the Act have been met as regards Nature-Based Solutions, it is also our view that the CAP could go further in setting out information to support informed decision-making regarding their selection and adoption.

These solutions have the potential to make a significant and positive contribution to achieving carbon budget targets. It is therefore important to provide effective guidance on their implementation, complemented by a robust monitoring and evaluation framework that directly aligns Nature-Based Solutions with the Northern Ireland GHG inventory. Further, there is an opportunity to align the Nature-Based Solutions with the targets for soil quality, biodiversity and air quality. We consider that such an approach

would assist in driving and facilitating their effective uptake and successful implementation.

We are aware of the stated intention to produce a Nature-Based Solutions Plan (committed to in Strategic Environmental Outcome 6 of the EIP). It would be helpful if the relationship of the CAP to this plan could be clearly set out in the CAP. A timeline for when this plan can be expected would also be useful to ensure transparency and accountability.