
YOU SAID, WE DID

AMENDMENTS TO THE CLIMATE IMPACT ASSESSMENT REGULATIONS

Methods and outcomes of 2024 consultation and engagement on the Climate Impact Assessment Regulations 2023



You said, we did: Amendments to the Climate Impact Assessment Regulations 2023

1 Introduction

This document explains the methods and outcomes of consultation and engagement undertaken in relation to the:

- [Climate Impact Assessment Tool](#)
- [Climate Impact Assessment Regulations 2023](#) (the Regulations)
- New proposals for amendments to the Regulations

The Climate Change Transformation Team (CCTT) would like to thank all public bodies who have shared their feedback via the trial, workshops, discussions and the online consultation. While it has not been possible for every suggestion to be taken forward, CCTT have carefully considered all feedback and hope that public bodies agree that that the package of proposals set out in this document reflects a practical and proportionate next step.

The Climate Impact Assessment process is still new and CCTT expect that it will need to be refined over the coming years, to ensure that it effectively supports compliance with our statutory climate change duties in a way that is practical, not overly onerous and consistently adds value.

CCTT welcome ongoing feedback from public bodies on the CIA process and the economically, socially and environmentally sustainable, low emission proposals it will generate.

1.1 Background

The [Climate Change Act 2021](#) (S.36) required that Council of Ministers make regulations in relation to Climate Impact Assessments, no later than 31 December 2023.

To facilitate those regulations, initial development of the Climate Impact Assessment (CIA) tool began in 2022. This involved:

- **A public body working group**
This group included officers from around government and other public bodies to discuss and agree the aims of tool and how they might be achieved in a way that adds value and is not overly onerous. They also tested early versions of the tool and provided feedback for its enhancement.
- **External consultant**
The consultant (EY) assisted with coordinating the working group meetings and feedback and developed early versions of the tool.
- **APSE/Publica Group**
APSE/Publica is a group of UK local authorities who had developed a CIA tool. After consultation with Publica and the working group, it was decided that the best option was to use the knowledge gained via the consultant and working group to adapt Publica's version of the tool for the Isle of Man.
- **Public bodies**
Involved in testing the CIA Tool and consulted in relation to regulations.

The CIA was designed to support compliance with the public body duties, as set out in section 21 of the Climate Change Act:

- (1) *A public body, in performing its duties, must act in the way that it considers best to contribute to —*
 - (a) *the meeting of the net zero emissions target by the net zero emissions target year;*
 - (b) *the meeting of any interim target;*
 - (c) *supporting the just transition principles and the climate justice principle;*
 - (d) *sustainable development, including the achievement of the United Nations sustainable development goals; and*
 - (e) *protecting and enhancing biodiversity, ecosystems and ecosystem services.*

The final version of the CIA Tool was released to the working group for testing in July 2023 and, shortly later, released via the netzero.im website to all public bodies for voluntary use, testing and feedback.

To inform the content of the Regulations, public bodies were asked for their view on appropriate thresholds for mandatory preparation of a CIA during the summer of 2023.

Informed by that process, the Regulations were made in December 2023 and approved by Tynwald in January 2024.

Council's approval of the Regulations was subject to:

- A six month trial to be undertaken by four departments (DEFA, DFE, DHA and DHSC) in 2024.
- Consideration of whether the CIA could be adapted to incorporate existing impact assessments to provide officers with a simple, single tool.

In addition to the trial, over the summer of 2024 the following engagement and consultation with public bodies was undertaken:

- Workshop on the future of the Regulations and public body climate change reporting
- Online consultation
- Numerous one-to-one meetings with public bodies
- Training sessions

Amendments to the Regulations are subject to a statutory requirement to consult those who may be affected. In this case that refers to public bodies. The programme of engagement and consultation described in this document satisfies that requirement.

2 Methods of Engagement

2.1 Trial

DEFA, DHA, DfE and DHSC were involved in the trial. Levels of engagement have been mixed, primarily due to staff resourcing and other priorities.

Treasury were also involved because, as the trialling departments began to prepare CIAs, Treasury could expect to begin receiving them and it was important for Treasury officers to understand how they should be used.

The requirements in the Regulations are reciprocal ie. there is a legal duty, in some circumstances, for a public body to prepare a CIA but there is also a legal duty for decision makers to take the CIA into account. Both parties need to be aware of their role. Treasury is a key decision making body and so their involvement was essential.

Regular meetings were conducted throughout the trial period. Issues raised by trialling departments were investigated and, where appropriate, have been included in the proposals for amendments to the Regulations.

Trialling departments were asked, at the beginning of the trial, to apply the thresholds contained in the Regulations; however, not all were able to implement this request.

The trial provided useful feedback and has directly informed the proposals for amendments to the Regulations.

Suggestions and concerns raised during the trial were investigated and then tested with other public bodies through the workshops and online consultation.

2.2 Workshop

On 12 July 2024 an online workshop was held for public bodies in relation to CIAs and the thresholds in the Regulations.

The purpose of the workshop was to collect public body opinions, concerns and suggestions to ensure that the Regulations will work in practice for public bodies and, if necessary, inform potential amendments to achieve this.

All public bodies were encouraged to ensure they were represented at the workshop.

The workshop provided information to attendees and then facilitated group discussions. Climate Change Transformation Team (CCTT) staff took notes, shared on screen, of the groups' discussions and feedback. A number of polls were also conducted.

Attendees were asked, in groups, to discuss the thresholds contained in the Regulations and voice any concerns they had in relation to how they would impact their public body.

2.3 Online Consultation

An online consultation was undertaken, via the Hub, for eight weeks between July and September 2024. The consultation link was sent to all public bodies. It was not made available to the wider public as they are not directly affected by the matters being consulted upon.

The consultation related to both annual climate change reporting and CIAs. This document only relates to CIAs and feedback obtained on reporting, and proposals/outcomes informed by it, will be covered in a separate document.

In total 13 public bodies responded via the consultation, of which:

Departments	Local Authorities	Statutory Boards	Other
3	6	2	2

Category A 150+ employees	Category B >15 but <150 employees	Category C Up to 15 employees
6	2	5

Around half of the public bodies that responded had used the CIA Tool (7 out of 13) while 12 had read the User Guide.

None of the Category C (the smallest) public bodies that responded had used the CIA Tool. As they are the least likely to need to use it often once the Regulations commence, this was expected.

Public bodies had been encouraged, via communications from CCTT, since the Regulations were approved, to consider the thresholds and how they would impact their work, so we ask whether public bodies had applied the thresholds at all.

Did not apply thresholds	Applied the thresholds from the CIA Regs	Applied different thresholds	Not answered
5	4	1	3
1 x Cat A 2 x Cat B 2 x Cat C	4 x Cat A	2 x Cat A	3 x Cat C

A concern from early on has been the onerousness of the thresholds generally. It was not clear whether the perception of onerousness matched the actual frequency that CIAs will need to be prepared. To try to understand this better, we asked how often the thresholds would be likely to apply to public bodies during a typical year:

THRESHOLD	Never	Less than once per year	Up to 10 times per year	Up to 50 times per year	Up to 100 times per year	>100 times per year
a. Ministerial/ Political Member level sign-off	5	3	0	4	1	0
b. Treasury approval/ concurrence	1	5	4	3	0	0
c. £100,000+ financial impact	1	4	4	2	2	0

	Never	Very rarely	Rarely	Sometimes	Often	I don't know
d. On request by decision maker	0	9	0	2	0	2

Most selected responses marked in red.

While most public bodies that responses indicated that the thresholds would apply to them very rarely, some indicated that they would be impacted between 50 and up to 100 times per year.

It is important to note that more than one threshold may apply to a single proposal. For example, most if not all proposals over £100,000 may also be captured by the Ministerial/Political Member level sign of and/or Treasury concurrence or approval thresholds. This means that the numbers in the table cannot be added together to give a total number of CIAs/proposals.

As expected, larger public bodies are the most affected by the thresholds as they process the most proposals which meet the thresholds. Smaller public bodies (Cat C) were more likely to choose 'Never' or 'Less than once per year'.

We asked public bodies whether they would support a discretionary provision being added to the Regulations, which would enable them to choose not to prepare a CIA, where it would usually be required by the Regulations, subject to recording the reason why.

Support for this proposal was very strong:

Support for a discretionary provision, subject to recording the reason why.	No	Yes	I don't know
	1	10	2

Comments on discretion included:

"...this is essential..."

"...this would be very important for ensuring the use of Climate Impact Assessments is focused to applications where it will be a useful tool for bringing about change/ensuring alignment with climate policies, but will not become overused/lose its value being applied in situations where it is not relevant and risks becoming a 'tick-box exercise'"

"As long as the decisions are monitored to guard against abuse."

"...it is however important to ensure that social impacts are not overlooked. If the proposal is agreed, for consistency more widely, it would be useful to provide guidance as to what constitutes a valid reason."

“...there are occasions, such as in correcting legislation where a CIA may add no value. We are however cognisant that whilst prima facie it may seem that a proposal does NOT include CC implications, on working through the CIA tool, it may then be identified that there ARE implications, for example in regard to social impacts...”

We raised concerns that a discretionary provision could be mis- or over used. To address this we proposed that statistics on use of the discretionary provision be incorporated into annual climate reporting. We suggested that these statistics could be provided centrally if the CIA Tool were accessed via an online system. This would mean no additional work needed by public bodies.

Do you support monitoring use of discretion via reporting	Support this approach	Do not support this approach	Support but only if data collected automatically by an online system	I don't know/no preference
	1	3	4	5

Responses were mixed with the largest number of respondents choosing ‘I don’t know/No preference’ and the second most popular choice being ‘Support but only if data collected automatically by an online system’.

Some of the comments included:

“If discretion is introduced, this should be justified and transparent, with ownership taken at the appropriate level. A way to automatically record this would ensure this.”

“...all data collection and reporting currently adds workload. Automatic data collection would alleviate this issue.”

Rather than add this to annual reporting, it is our intention to pursue an online system, collect the data centrally and use it to inform future policy in relation to the CIA process. This will enable monitoring of the use of discretion without creating any additional burden of work for public bodies.

We asked whether there were any specific types of proposal which public bodies felt should be excluded. All have been considered and investigated. Here are some examples of suggestions which have been taken forward as part of proposed amendments to the Regulations:

- Safeguarding actions
- Financial exemptions
- Matters relating to staff recruitment and remuneration
- Feasibility studies, where the climate change duties are included in the feasibility criteria.
- Amendments to documents which do not materially change their effect eg. correction of errors, formatting, design etc.

Some other suggestions were unable to be taken forward as it was identified that in some cases a CIA would be beneficial; however, with the addition of a general discretionary provision these could be determined on a case-by-case basis by the public body, these included:

- **Items which are time-bound/urgent**
Reason not taken forward: Urgency does not automatically mean not considering the impacts of a decision. In some cases, planning ahead will enable completion of the CIA. In an emergency, the general discretion provision may be used.
- **Statutory responsibilities**
Reason not taken forward: This accounts for most of the activities of government and there is often scope to deliver these in alternative ways.

- **IT projects**
Reason not taken forward: These can sometimes have a significant carbon footprint, which should be considered.
- **Consultancy remuneration**
Reason not taken forward: This is a matter of procurement. Preparation of a CIA early in the procurement process, to ensure your procurement request aligns with the public body climate change duties is important.
- **Where there are limited/no alternate options**
Reason not taken forward: Very difficult to define, plus the CIA process will help to ensure thorough consideration and identification of options (or lack thereof) and modifications/mitigations where possible.

During the trial and workshops, it was raised that some proposals that would **not** be captured by the thresholds in the Regulations, would benefit from a CIA. This included some operational decisions of less than £100,000 impact. Even a ‘small’ decision can be highly unsustainable or high emission, proportional to that decision.

We therefore asked whether any specific types of proposal, not already captured by the thresholds, should be included. None were suggested in the online consultation; however, in discussions several examples have been given – ranging from purchases of high carbon or unsustainable products or materials when more sustainable alternatives are available; the installation of signage or other small infrastructure using excessive or unsustainable materials; the installation of astro-turf in place of planting; approaches to hedge/grass cutting and weed control; internal policies which impact energy or fuel consumption.

It is **not** proposed that any additional requirements for mandatory CIAs be added to the Regulations.

The Regulations already provide that a CIA may be completed in respect of any proposal and that, if one has been completed, the decision maker must take it into account. This enables officers to ensure that decision makers are well informed when a proposal has impacts relating to the climate change duties. A decision maker may also request a CIA for any proposal. These provisions rely on both officers and decision makers having a general awareness of the climate change duties and potentially relevant impacts, sufficient to voluntarily undertake a CIA where it is appropriate. This level of understanding and awareness is not yet ubiquitous and so measure to improve this (eg. training) will be important to get the best value from these provisions.

2.4 Other engagement

CCTT have worked with several public bodies (in addition to those involved in the trial) directly, via one-to-one meetings, training sessions and email correspondence.

For example, Douglas City Council provided detailed feedback in a meeting and DESC requested training for their staff on the CIA Tool.

3 Proposed amendments

3.1 Discretionary provision

Many public bodies raised that there are certain situations in which a CIA does not add value.

For example, a public body identified an Act which had been in effect for many decades but had been assumed to have been revoked a long time ago. The Act was not being enforced and needed to be revoked to ‘tidy up’ the statute book. The ‘real life’ impacts of this administrative process are zero. However, because the revocation of an Act requires approval from Tynwald, the Regulations force the public body to prepare a CIA.

The examples cited by public bodies were very varied and could not often be defined for the purposes of a specific exclusion from the requirements of Regulations.

There were many examples where the process it's did not warrant an exception – while individual cases would. Using the example above: the revocation of an Act is, usually, a significant decision which could have significant impacts on emissions. As such, it is not appropriate to exclude the revocation of an Act from requiring a CIA.

In response to these concerns a general discretionary provision is proposed.

Public bodies raised concern that complete discretion could lead to CIAs being missed/avoided when they would be useful. To address this concern, two suggestions were made:

(1) That the use of discretion should be subject to recording the reason for making that choice

This would ensure that public bodies give due regard to the need for a CIA and only avoid preparing one where they feel it is reasonable, based on the particular circumstances.

The climate change duties still apply to the public body's functions so, when discretion is used, it is still incumbent upon the decision maker to satisfy themselves/themselves that the reason is appropriate and that their ability to comply with the duties is not compromised by the absence of a CIA.

It is proposed that this approach be adopted via amendments to the Regulations.

(2) Statistics on use of discretion could be collected.

It was raised that some kind of external monitoring could be useful, to understand how frequently discretion was being used and for what reasons. This could ensure over and misuse could be identified and addressed and inform future amendments to make specific exceptions for processes, by identifying processes which routinely do not require a CIA.

Example 1

Public body X makes 50 proposals in a year which meet the thresholds in the Regulations.

They prepare 20 CIAs and use discretion to avoid preparing a CIA for 30.

A large proportion of those 30 are the same type of proposal, which legitimately do not benefit from a CIA.

The Regulations could then be amended to exclude that process altogether, meaning that public bodies generally no longer needs to use discretion in relation to those type of proposal. In this way the system is refined and, over time, becomes more and more focussed on where a CIA adds value.

Example 2

Public body Y makes ten proposals in a year, which meet the thresholds in the Regulations.

They prepare only one and use discretion to avoid preparing nine.

Those nine proposals are all different. The reasons given for using discretion are vague or inappropriate.

This would suggest an issue within that public body. CCTT could work with that public body to understand the reasons for this approach and provide additional training in relation to the CIA.

Initially, it was proposed that public bodies could report annually, via their climate change reports about the number of times they had used the discretionary provision. It was also proposed that this data could be collected automatically, once the CIA Tool is available online.

Public bodies preferred the second option (see Online Consultation section for more detail), therefore, it is proposed that this element of monitoring

- **not** be included in annual reports
- be implemented only once the CIA Tool is available online and
- statistics collected and analysed centrally by CCTT, who can then take the steps described above to refine the Regulations or support public bodies where necessary.

3.2 Removal of Treasury concurrence/approval threshold

Public bodies raised concerns about a number of processes which would be captured by this threshold, including financial exemptions and elements of the process around disposal of property.

These issues were thoroughly investigated and discussed with relevant Treasury officers. As a result, it is proposed that this threshold be removed, on the following basis:

(1) The other thresholds

A large proportion of (and the most impactful) proposals which would have been captured by the Treasury concurrence or approval threshold will be captured by the Ministerial/Political Member level approval threshold or the £100,000+ financial impact threshold.

In those cases, a CIA will be prepared and should accompany the proposal through its governance journey. This means that Treasury will still receive and take into account those CIAs.

(2) Threshold not always appropriate

Cognizant of the above, consideration was given to proposals which would require a CIA on the basis of the Treasury concurrence or approval threshold **alone**. It became apparent that there are many cases where such proposals would not benefit from a CIA, for example, financial exemptions under section C of the Financial Regulations.

(3) Treasury may request a CIA for any proposal

The Regulations enable a decision maker to request a CIA for any proposal. Treasury may do so on a case by case basis or make amendments to the Financial Regulations to require a CIA where they feel it is useful and appropriate to do so. This places flexibility and control with Treasury, allowing them to receive CIAs only where they are beneficial, thereby reducing onerousness for both them and other public bodies.

Land use decisions are critical to the Island's net zero transition and so particular consideration was given to disposal of land and the role of Treasury in this process. The sale/leasing of land impacts a public body's ability to make choices about the use of that land and the critical decision points are early in that process, before land is advertised for sale/lease. The length of the lease is also an important consideration. In some cases, a CIA will be a very important part of this process, as it will help a public body and Treasury make important decisions about government land in a way that supports meeting our statutory emissions reduction targets. Treasury have confirmed that CIA requirements around these processes will be investigated and incorporated into the Financial Regulations, as appropriate.

3.3 Exceptions from the requirement to prepare a CIA

3.3.1 Safeguarding

In addition to existing exceptions for matters "where the implementation of the proposal without delay is necessary to protect life or national security" an exception is proposed for matters relating to the safeguarding of children and vulnerable adults. These actions are highly unlikely to have negative impacts relevant to the climate change duties and sometimes need to be taken quickly.

3.3.2 Immaterial amendments

Amendments to documents which do not materially change their content eg. correction of errors, formatting, design.

3.3.3 Changes to delegations

An exception is proposed in relation to changing delegations within a public body. These matters may be captured by the threshold which requires a CIA to be prepared for proposals that require Ministerial/Political Member level sign off; however, they are purely administrative and are highly unlikely to have any to have impacts relevant to the climate change duties.

3.3.4 Repetitive proposals

Some public bodies raised that they regularly repeat identical proposals, requiring Ministerial or Political Member level approval. To avoid duplication of work, an exception is proposed that a new CIA is not needed for a proposal that is being repeated, in exactly the same manner as originally assessed, within 12 months of the initial CIA having been completed.

Repetitive proposals, which are captured by the thresholds in the Regulations, should be periodically reviewed to ensure they continue to represent the best way to achieve the desired goals in line with the climate change duties: this is why a 12 month limit has been proposed.

3.3.5 Matters relating to staff recruitment and remuneration.

The CIA process is not seen as relevant to these matters, although in some cases they may be captured by the thresholds, therefore an exception is proposed.

3.3.6 Feasibility studies where the climate change duties are incorporated in to the feasibility criteria.

Consideration of the compliance with the climate change duties early in a project is essential; however, it has been noted that feasibility studies (particularly for capital projects) sometimes incorporate consideration of emission and related matters. Where this is the case, to avoid the duplication of work, an exception is proposed.

3.3.7 Parole decisions

DHA raised that decisions made under section 23 of the Custody Act 1995 (Early release of detainees) would be captured by the threshold requiring a CIA to be completed where ministerial or political member level approval is needed. In these case a CIA is neither of value nor appropriate.

3.4 Exceptions from taking a CIA into account

3.4.1 Building Control

The wording of the Regulations means that, where a CIA has been prepared, the decision maker must take it into account.

Building Control Authorities are public bodies and receive applications from public bodies. In some cases, the applicant public body will have prepared a CIA because the proposal is captured by one of the thresholds in the Regulations. Consideration was given to whether it was appropriate for Building Control Authorities to take such CIAs into account.

It is important to note that only public bodies are required to prepare CIAs under the Regulations – there is no requirement for any private business or individual to prepare one for any reason.

Due to the technical nature of Building Control, anything on the CIA that does not pertain to Building Control is out of scope and the authorities cannot legally take it into account. The exception will make it clear that they are not expected to take into account something which the Building Control system does not allow them to anyway.

For matters within the scope of Building Control, which are relevant to the climate change duties, the overarching framework itself should be compliant with the climate change duties. As such, the process should automatically generate decisions that are compliant without the need for individual CIAs. Overarching compliance of the Building Control system is evidenced by measures such as standards for energy efficiency, SAP ratings etc. and should be kept under review and, when policies or legislation change in this area a CIA should be prepared.

There might be other considerations in relation a proposal that might be reasonably influenced by a CIA, so the intention is not to excuse a public body from preparing one for the proposal generally (and using it to inform internal/other decisions) but to exclude Building Control Authorities from needing to take the CIA into account in relation to the Building Control application.

3.4.2 Planning

As for Building Control above, if a proposal meets a threshold set out in the Regulations, a public body will prepare a CIA for it, whether or not it requires Planning approval.

Consideration was therefore given to whether or not it is appropriate for DEFA (Planning) to take a CIA into account when considering the Planning application.

As a result of that consideration, an exception is proposed which will mean that DEFA (Planning) do **not** need to take a CIA into account in relation to a Planning application.

Again, it is important to note that only public bodies are required to prepare CIAs under the Regulations – there is no requirement for any private business or individual to prepare one for any reason.

This does not mean that a CIA will not be prepared in relation to the proposal, for example to inform its development or decision making within the proposing public body, only that DEFA (Planning) will not be under any obligation to take it into account.

This proposal is made on the following basis:

Relevance

The CIA covers all of the public body climate change duties, which apply to DEFA generally; however, some of the considerations within the CIA are not planning matters and therefore Planning officers and decision makers cannot lawfully have regard to them in assessing a Planning application.

For example, consideration of matters relating to the following may be relevant to the proposal generally but are not planning matters - food, some matters related to housing (rights for tenants/insulation); some education matters (apprenticeships, education costs); most aspects of the safety/crime section; most of the equity matters; democratic voice.

A CIA being submitted by a public body as part of a planning application may lead to misconceptions that matters outside the scope of Planning will be taken into account. This could result in:

- attention being drawn away from the relevant parts of an application.
- consultees making comments that are unnecessary, not sufficiently robust or which relate to non-material issues.
- inadvertently misleading or raising expectations of the public or applicant (the public body).
- potential of legal challenge, if decision makers (such as Planning Committee) have regard to matters that they should not.

Duplication and lack of detail

The CIA contains some areas of overlap/duplication with extant Planning policy. There are established methodologies and expert consultees already in place for such matters. To be given weight as part of a planning assessment, many issues require supporting technical information prepared by appropriate qualified professionals, assessed by appropriately qualified consultees and (in some cases) cross examined in a public inquiry. Therefore, even where the matters addressed in the CIA are relevant to Planning, it is unlikely to provide additional information, at a sufficient level of detail, to add value on top of the existing processes.

In addition, there is risk that the CIA would provide insufficient detail on material issues to allow for conditions to be created. This could result in Planning having to take a matter into account without having the information needed to ensure that the matter is actually addressed in the development.

Not relevant to all applicants

CIAs are only prepared by public bodies. There is no requirement, under any circumstance, which would require an external applicant to prepare a CIA. So, even if the CIA were seen as a useful addition to Planning applications, they would only ever be received in respect of applications made by public bodies, which is a small proportion of total application.

Not relevant to all applications

DEFA (with support of Council) amended the Development Procedure Order to remove the requirement for smaller applications to provide information on the six policy areas which are to be included in the Strategic Plan (see below). This was supported by the Climate Change Transformation Team as a proportional approach to future implementation of those policies.

There may be cases where a public body makes a proposal, which requires a CIA under one of the thresholds set out in the Regulations, but which does not require information on the climate change policies to be included in the

Planning application. Taking a CIA into account in respect of those proposals would be inconsistent with the overarching approach to embedding climate matters into Planning.

Larger applications would normally have a Design Statement (or in larger cases EIA) and relevant technical report which would render a CIA unnecessary (see 2. above).

Not the best way to embed climate matters into the Planning process

The optimal route for climate change to be considered in relation to Planning applications would be for it to be embedded in Planning policy and supported by clear requirements for applicants and robust methodologies enabling Planning officers and decision makers to effectively weigh the information against other Planning matters.

This was recognised at the time the Climate Change Act 2021 was developed and amendments to the Town and County Planning Act 1999 were included in that Act. Those amendments (not yet commenced) required that following policies to be included in a development plan or national policy directive by 1 January 2025:

- (a) the maximisation of carbon sequestration;*
- (b) the minimising of greenhouse gas emissions;*
- (c) the maintenance and restoration of ecosystems;*
- (d) biodiversity net gain;*
- (e) the need for sustainable drainage systems; and*
- (f) the provision of active travel infrastructure*

These policies are being developed in detail as part of the next Strategic Plan, which is currently being prepared. Although Cabinet Office have advised that the 1 January 2025 deadline will not be met, currently we expect the Strategic Plan to be delivered during 2025.

Climate change issues are a long established part of the Planning process and there are various existing policies covering matters such as flooding, energy, biodiversity, public transport/active travel and various consultees (including within DEFA and DOI) that provide technical advice. In addition, the Climate Change Strategy is capable of being considered as part of applications, and the Climate Change Transformation Team can also provide comments. The planning policies will potentially be reviewed/expanded/strengthened as part of the updated Strategic Plan. This approach, rather than the consideration of a CIA, enables focussed feedback which does not duplicate comment on other established areas of Planning Policy or provide information not relevant to Planning matters.

3.5 Clarification – meaning of political member

Reference to a ‘political Member’ in regulation 5(1)(a)(i) has caused some confusion amongst Local Authorities who have interpreted this a meaning commissioners, which is incorrect. This is easily resolved by adding a definition of ‘political Member’ to the Regulations to confirm that it means a member in relation to a Department, as defined in the Schedule to the Interpretation Act 2015.

4 Other themes in feedback

There were themes and similar concerns raised across all methods of engagement and consultation. These are discussed in more detail here.

4.1 The need for a CIA

In general, public bodies accept the need for some form of CIA – not only because it is required by the Act but because there is a general understanding that:

- It is necessary to reduce emissions because climate change poses a threat.
- The activities of public bodies have an impact on the Island’s emissions
- Consideration of emissions and the Fair Change principles is new and it takes time, support and guidance to change the way we do things.

Some feedback indicated that particular individuals felt they should not be required to undertake CIAs, because they already know a lot about climate change and take it into consideration.

While this may be true for individuals, consideration of all public body proposals involves multiple people who may not all have the same level of knowledge. Importantly, it is the legal responsibility of decision makers to ensure that proposals which they approve support the climate change duties and they may not have the background knowledge needed to be able to do this without support. The CIA therefore provides an easy to use, structured way for officers to provide the necessary information to decision makers. While this may be unnecessary for some officers and/or decision makers we must cater for the majority.

4.2 The CIA Tool – Ease of use etc.

In general, public bodies have said that the tool is easy to use and takes less time as they get used to it.

It has been identified that areas making similar proposals regularly can create a partially pre-filled CIA for re-use and simply revisit it in relation to the details which have changed or are new, which saves time.

The Excel format is usable but not ideal and most users would prefer an online form.

One of the trialling departments reported that the quality of CIAs improved with time, as officers became familiar with it, but also after they attended Carbon Literacy training.

In response to these concerns CCTT plan to pursue conversion of the CIA into an online system.

4.3 The financial threshold

Feedback on the £100,000+ financial threshold was mixed. Some feel it is too high, some feel it is too low and some think it is set at the right level.

Some comments (from online consultation and workshops) include:

“We think a threshold of £100k is appropriate, with provision of undertaking below that threshold if felt appropriate, or not undertaking above 100k if not deemed to add value.”

“It is too low. [The public body] suggests £500,000. It should also be index-linked to CPI so that it increases in January each year in line with the IOM Consumer Prices Index of the previous October.”

“Happy with this level.”

“Might be too high – smaller projects may not be checked/considered.”

“For [the public body], projects are mainly construction/housing maintenance and under £100,000 and sub-contracted out – might make it harder but could be linked to procurement policy. Weighting change in procurement (more weight given to sustainability) is needed.”

“Too low. Should be proportional to what you are buying.”

“Operational decisions, which don’t £100k could slip through net.”

When originally designing this threshold, CCTT consulted with Treasury Procurement team and were advised that the greatest number of procurement exercises are for amounts under £100,000, while the greatest proportion of overall spend comes from exercises over £100,000. As £100,000 is already a recognised financial threshold, requiring more detailed and rigorous assessment, it was felt appropriate for the CIA process to align with this.

As the feedback on this threshold has been so mixed, there is no clear direction for change. The addition of a general discretionary provision will enable public bodies to choose not to complete a CIA for proposals which are captured by the financial threshold, should they feel that it is not appropriate in that case. Therefore, it is **not** proposed to change the financial threshold at the moment.

Consideration was given to index linking the threshold, as suggested by one public body, so that it increases automatically; however, it was felt that this could be confusing for public bodies and, instead, we propose to keep

the threshold under review and, if Treasury procurement thresholds change to revisit the threshold to maintain alignment.

Consideration was given to making the financial threshold ‘proportional to what you are buying’ (per comment above). However, it has not been possible to identify a method of doing so, which does not: add time consuming complexity to the process; potentially creates uncertainty around when a CIA is legally needed; and would potentially capture much lower cost proposals.

4.4 Breadth of content

Some feedback was received that the breadth of content in the CIA is too wide.

Some posited that it should be limited to consideration of emissions.

The CIA has been designed to support compliance with the climate change duties which include: emissions reduction; increasing carbon storage; just transition; climate justice; sustainable development and the protection and enhancement of biodiversity, ecosystems and ecosystem services.

Consideration of emission alone would not promote compliance with the full suite of legal duties under the Act and no evidence has been found which shows that these duties are currently being considered in a consistent way. Failure to support compliance with our legal obligations, and to record how that has been achieved, leaves public bodies at risk of litigation. Therefore, an emissions only approach is not recommended.

The content of the CIA was reviewed to determine whether any section/s of the CIA are not relevant to the climate change duties. The table below shows the outcome of that review. The CIA Tool shows the relevant UNSDG for each of the criteria and will be updated to show the relevant climate change duty so that this is more evident to the user.

All of the criteria included may not be relevant to every proposal (in which case they can be quickly marked as not relevant in the Tool) but all are important and relevant to the work of public bodies as a whole – it is therefore not proposed that any criteria be removed from the CIA.

Fundamentally, the CIA supports economically, socially and environmentally sustainable policy development – which aligns with high level policy documents such as the Island Plan and Economic Strategy. Synergies with other areas of government were also considered. The wide scope of the CIA means that it supports consideration of sustainability across a wide range of other public policy areas. This has been useful already as it has avoided separate planned policy impact assessments for both public health and biodiversity/ecosystems.

Table: Relevance of CIA criteria to climate change duties

Climate Change Duties for Public Bodies	Emissions Reduction	Just Transition	Climate Justice	Biodiversity, ecosystems	Sustainable Development and UN SDGs	Examples of synergies/ supported policy areas
Environmental Criteria						
GHG Emissions	✓	✓	✓	✓	✓	National decarbonisation
Air Quality	✓	✓	✓	✓	✓	Public Health (CABO) EPU (DEFA)
Sustainable Transport	✓	✓	✓	✓	✓	Public Health (CABO) Transport (DOI)
Land Use Change	✓	✓	✓	✓	✓	Public Health (CABO) Agriculture, Ecosystems, Food (DEFA)
Biodiversity	✓			✓	✓	Public Health (CABO) Fisheries, Agriculture & Ecosystems (DEFA)
Soil, Watercourse, Marine Health	✓			✓	✓	Public Health (CABO) Fisheries, Agriculture & EPU (DEFA)

Climate Change Adaptation	✓	✓	✓	✓	✓	Public Health (CABO) Infrastructure, Flood Management etc. (DOI)
Energy Use	✓	✓		✓	✓	Public Health (CABO) DOI/Treasury re: Estates energy costs
Waste	✓			✓	✓	Public Health (CABO) Waste (DOI and DEFA EPU)
Sustainable Materials	✓		✓	✓	✓	Public Health (CABO) Planning & Building Control (DEFA)
Social Criteria						
Food	✓	✓	✓	✓	✓	Public Health (CABO) Agriculture, Food (DEFA) Health (DHSC/ManxCare)
Health & Wellbeing	✓	✓	✓	✓	✓	Public Health (CABO) DHSC/ManxCare
Housing	✓	✓	✓	✓	✓	Public Health (CABO) DOI & LA Public Housing
Education	✓	✓	✓	✓	✓	DESC DFE
Built Community	✓	✓	✓	✓	✓	Public Health (CABO) Planning (CABO & DEFA)
Cultural Community	✓	✓	✓		✓	Public Health (CABO) Culture (DESC)
Accessibility	✓	✓	✓		✓	All
Local economy and jobs	✓	✓	✓	✓	✓	DFE Agriculture, Food (DEFA)
Safety	✓	✓	✓		✓	Public Health (CABO) DHA
Equity	✓	✓	✓		✓	Public Health (CABO)
Democratic Voice	✓	✓	✓		✓	All

Referring directly to the public body duties, instead of using the criteria set out in the tool, was also considered. This approach was not seen as effective. As per the [Summary Analysis Report 2022-2023](#), public body reports have shown *“a lack of awareness and understanding around the different aspects of the duties, principally around just transition and climate justice.”* Therefore, asking public bodies to assess compliance with those duties directly creates significant room for error. By breaking those duties down into criteria that are instantly understandable, without any other training, therefore supports compliance better than asking directly about ‘just transition’ and ‘climate justice’, which are not well understood at this time.

4.5 Subjectivity

Some public bodies raised concerns about the subjective nature of the questions in the CIA.

During development of the CIA it was identified early on that a choice needed to be made to whether to adopt a qualitative or a quantitative approach.

A quantitative approach would provide more accuracy but would require collection of more data. Working group members felt would be difficult, too onerous and require too much specialist expertise. This approach was therefore rejected in favour of a qualitative approach which, by nature, is more subjective.

One of the most important functions of the CIA to get people to think about their proposals in the context of the climate change duties. The qualitative, subjective approach does allow for inconsistency and differences in interpretation but encourages this thought process and reduces the burden to obtain data.

5 Matters for clarification in guidance

A number of queries/concerns were raised by public bodies which do not necessitate amendments to the Regulations but which will be addressed by the updating the [User Guide](#).

5.1.1 Does the CIA need to be seen by decision makers?

During the trial, a department advised that *“the Department, i.e. the decision makers, determined that they did not wish to see the completed CIA on the grounds that the outcome of the process was taken into account in any recommendation made.”*

Noting regulation 7 of the Regulations (below) this prompted CCTT to obtain advice from the Attorney General’s Chambers.

7 Taking a climate impact assessment into account

- (1) A person or body that is responsible for granting approval, on behalf of a public body, for a proposal must take the prepared climate impact assessment into account when making the decision to grant or withhold approval.*
- (2) The content of a climate impact assessment must be considered but need not be determinative of the decision to grant or withhold approval for the proposal to which it relates.*

It was unclear whether (per (2)) the prepared CIA or its content can be considered/taken into account if it is not provided to the decision maker. However, the Regulations do not explicitly state that the completed CIA itself must be provided to the decision maker – so there is some room for interpretation.

Guidance to date has been that the Summary Report page of the CIA, which contains all of the information entered throughout the CIA by the officer/s, *should* accompany decision papers. The tool has been designed specifically to be of help to decision makers, with the ‘impact wheel’ providing a clear, visual aid to assessing compliance with the climate change duties.

Based on advice from AGs, ‘best practice’ is for the CIA Summary Report page to accompany papers to decision makers, as this provides the best and simplest way to facilitate the requirements of the Regulations being met.

However, it is the responsibility of decision makers to ensure that they are fulfilling their responsibilities under the Regulations and there may be different ways to achieve that. If a decision maker chooses not to have sight of the CIA they must satisfy themselves that the alternative process still enables them to meet their legal responsibilities.

5.1.2 Delegated authority

A question was raised about whether a proposal which would be approved/refused by person or body acting under the delegated powers of a Minister would ‘trigger’ threshold (5)(1)(a):

- (1) A public body must prepare a climate impact assessment for any proposal that, in respect of its implementation, satisfies one or more of the following specified criteria —*
 - (a) the proposal requires approval by —*
 - (i) a Minister or political Member of that public body personally; or*
 - (ii) a board, committee or other decision making group that includes a Minister or political Member of that public body;*

The requirement for a CIA is determined by the level of sign off needed, rather than who provides that sign off. Where that power is delegated, the person granting approval is acting in the capacity of the Minister and not in their own capacity. So, where a proposal requires Ministerial level sign off, a CIA is required regardless of whether the Minister has delegated the ability to provide such approval.

5.1.3 Decisions which do not match the CIA

Questions were raised about what happens if a decision maker does not follow the recommendation in the CIA/requests an alternative approach to that assessed in the CIA

It is the decision maker's responsibility to ensure that their decisions comply with the Act. The CIA is a tool to help them do this but it is their prerogative to choose an alternative approach, if they are satisfied that the alternative is compliant. The decision maker may request that officers prepare a new CIA for the alternative approach: there is no legal obligation for officers to do so – although it may be a useful exercise.

5.1.4 Unavoidable negative impacts of a proposal

Concerns were raised that proposals may show unavoidable negative impacts and how this should be treated.

The CIA does not force any particular decision. It informs the development of the proposal and the decision maker about the positive and negative impacts of a proposal to help them make decision which best supports the climate change duties.

It is inevitable that decision makers will be presented with proposals which include unavoidable negative impacts.

The role of the CIA process is not to block any proposal from being approved but to demonstrate that the proposal represents acting in "*the way that [the public body] considers best to contribute to*" [the climate change duties] per section 21 of the Act, by showing that:

- the positive and negative impacts have been well considered
- possible mitigations for negative impacts have been explored and incorporated in to the proposal where possible.
- The positive impacts outweigh the negative

If the decision maker is not content with the proposal they can refuse to approve it or approve it subject to changes – as is currently the case with any proposal.