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22nd April 2008

Scottish Government
Climate Change Bill Consultation
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To whom it may concern,

Scottish Climate Change Bill Consultation 2008

Please find attached Aberdeen City Environmental Forums response to the above named consultation. Should you require any further information, please do not hesitate to contact me.

Yours faithfully

John Macdonald
Chairperson
Aberdeen City Environmental Forum

Scottish Climate Change Bill Consultation

Response from Aberdeen City Environmental Forum

22nd April 2008

TARGETS

1. Should a Scottish target be based on carbon dioxide only or the basket of six greenhouse gases?

The consensus within ACEF is that the basket of 6 Green house gas indicators should be used for the Scottish target, not a target based simply on CO₂. However the target should be translated into a CO₂ equivalent (CO₂e) in order to encourage public awareness and understanding.

The basket of indicators will ensure that gases from landfill and the agricultural sector are included. It will also ensure that we avoid the issue of displacement, whereby carbon dioxide could simply be replaced by methane from bio-fuels. The targets should also take into account emissions from aviation and shipping which have been excluded from previous emissions targets.

UK and International targets focus on carbon dioxide therefore targets should be comparable where possible.

2. Should the Bill contain provisions to alter which gases are included, for example if the reliability of data for a particular gas improves or if science changes in the future about which gases cause climate change?

ACEF agrees that there should be provisions to alter the basket of gases, however the decision should only be based on reliable research from trusted sources and be backed up by independent scientific experts.

3. The Scottish Government wishes to ensure that the Bill gives sufficient incentives to invest in energy efficiency and renewable electricity. Should the targets be based on source emissions; an end-user inventory; or on individual targets for energy efficiency and renewable electricity? Do you have any other suggestions?

Both source emissions and indirect/consumption should require National monitoring. Targets based on source emissions are more easily quantified, however in an ideal world targets should be based on end-use emissions. The ACEF recognises the difficulty in measuring end-use emissions, however these would stimulate and guide work on energy efficiency and renewable energy, which is important to the future of Aberdeen's economic development.

4. Do you agree that the Bill should allow the means of measuring the target to be changed through secondary legislation to reflect international developments or unforeseen consequences of the Bill?

We agree that this will give the flexibility needed to respond to future events and developments. However this should be subject to sound independent advice.

5. Should the emissions reduction target take account of the abatement effort made by companies under emissions trading schemes? If so, how?

Emissions reduction targets should not take account of any abatement efforts made under emissions trading schemes, as these schemes do not contribute to an overall reduction in CO₂. Trading schemes should not create perverse incentives not to take any positive action. Emissions trading schemes (ETS) should be regarded as the last resort rather than the first choice, as behaviour change is fundamental.

Including ETS could skew the true picture of emissions reductions by reporting that we are making more progress than we actually are.

6. Do you agree that international credits should be counted towards Scottish targets? Should there be limits on credits counted towards Scottish targets?

The ACEF are largely against the use of international credits as these can be used as a means of avoiding real carbon reductions. However, if they must be used, they should be used as a last resort and the level of credits used should be quantified in the annual report to the Scottish Parliament. It should not be possible to buy your way out without a change in behaviour and positive action.

7. Should the Bill allow the level of the 2050 target to be changed through secondary legislation? If so, should this only be allowed on the basis of independent, expert advice, to reflect international developments or unforeseen consequences of the Bill? Should any changes to the target be limited to an increase in the target?

There should be provisions to alter the target if necessary. However, any changes should be limited to an increase and not a reduction. The decision should only be made if independent scientific experts provide robust evidence for the need to do so.

SUPPORTING FRAMEWORK

8. What factors should be taken into account when setting the level of budgets?

Budgets need to be set to limit cumulative emissions in the atmosphere, in order to avoid dangerous increases in global temperatures. So early reductions must be prioritised above future reductions.

Robust Policy needs to address this. If Scotland wants to increase its population it will also increase the number of houses and people as well as grow its economy. These factors need to be considered when developing realistic budgets.

In addition the Bill should begin to address the impact of international aviation and shipping.

9. How long should interim budget periods be?

We have considered an interim period should be approximately 4 years to cross electoral cycles. We suggest that the reporting period should be 6 months before an election and this is imposed on government and local authorities. We recognise that the data may be in arrears but the time period should be given as part of the report. ACEF would welcome annual targets being set to maintain progress and encourage early action.

10. How many years in advance should emissions budget periods be set in order to provide sufficient time to develop infrastructure?

This should be in multiples of four to reflect the cycle.

11. What should be the limit (in terms of absolute quantity or as a percentage of the budget period) on the amount of emissions, which the Government can borrow from a following budget period?

The UK draft Climate Change Bill suggests a 1% limit of emissions. Banking and borrowing should not be solely relied upon because cold winters or other anomalies can skew the data. There should be no limit on banking but a limit on borrowing. An allowance of 1% would give sufficient flexibility without jeopardising the ability to meet targets in subsequent budget periods. Any borrowing should have to be repaid the following year, so that it is not possible to run a deficit.

Transparency and accountability are necessary if banking and borrowing is to take place – potentially backed by penalties and incentives.

12. Should the Bill include an interim point target? If so, what year (or years) should it be for (2020, 2025, 2030, etc.)? How should the level be chosen?

We consider 2020 as being a reasonable interim date as this is the target date for the UK Climate Change Bill and EU climate change reductions. An early interim target is beneficial to encourage early action, maintain political and economic momentum and aid public understanding and commitment.

REPORTING SCRUTINY AND FRAMEWORK

13. Should the Scottish Ministers be required to report on any other issues related to climate change in addition to the requirements already set out. If so, what and how often?

They should report on both production and consumption emissions. Progress on Adapting to Climate Change Impacts should also be reported to Parliament as well as policy interventions and plans for cutting emissions in the next budget period.

14. Is a process of parliamentary scrutiny the appropriate way of holding the Scottish Government to account if targets or budgets are not met?

Targets should be subject to publicised published scrutiny as well as parliamentary scrutiny. An expert independent panel, for example the Sustainable Development Commission or Audit Scotland, should perform this. In addition, there is a need for a programme of public education on these issues. This may lessen the chance of difficult decision-making leading to negative public attitudes. Public awareness raising must back up political accountability.

15. What should be the primary source of advice to the Scottish Government for setting emissions targets or budgets and why? Options include: the proposed UK Committee on Climate Change, a new Scottish Committee on Climate Change, an existing public body in Scotland, or the Scottish Government itself.

Advice should follow that of the UK Committee on Climate Change however creating a new body is not advised. The Sustainable Development Commission would be a good source of advice and could work with the UK Committee on Climate Change. There is a very serious issue of skills and resources required to ensure that this collection of analysts can work collectively to provide scrutiny and advice to the government.

It must be stressed that Scottish conditions and interests should be safeguarded by a robust mechanism for feeding into the UK Committee for Climate Change. There must be no question of being disadvantaged by UK wide measures such as what has happened under the Energy Efficiency Commitment (new CERT), which has failed to deliver optimal solutions for domestic energy savings in Scotland.

16. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

Sustainable Development Commission with additional capacity to reflect Scottish issues.

17. Which organisation should be tasked with monitoring the progress of the Scottish Government on reducing emissions and why? Options include: the proposed UK Committee on Climate Change, a new Scottish Committee on Climate Change, an existing public body in Scotland, or the Scottish Government itself.

Sustainable Development Commission with additional capacity to reflect Scottish issues.

18. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

Sustainable Development Commission with additional capacity to reflect Scottish issues.

19. Should additional independent mechanisms for scrutinising the effectiveness of the Scottish Government's policies in reducing emissions be created by the Bill (in addition to any scrutiny already provided by the Scottish Parliament)?

Yes -Audit Scotland should be involved

20. If so, which organisation is best placed to carry out this function and why? Options include a new Scottish Committee on Climate Change or an existing public body in Scotland.

Audit Scotland

21. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

Audit Scotland

22. Are there any other functions related to climate change, existing or new, which should be carried out at arm's length from the Scottish Government and why?

No

SUPPORTING MEASURES

23. Should the Bill contain enabling powers to introduce a duty on certain parts of the public sector (i.e. local authorities and large public bodies) to take specified actions on climate change or other specified environmental issues? Why?

The Bill should contain enabling powers to introduce a duty on public sector bodies, notably local authorities and their Community Planning Partners. The climate change specific duty would create a level-playing field for all local authorities/public bodies on climate change mitigation (and adaptation) responsibilities. The duty should be based on the commitments in Scotland's Climate Change Declaration, which would ensure these are embedded in legislation.

24. What should such a duty (or duties) include?

It should be a Duty to reduce greenhouse gas emissions from within a local authority area (including from your own council estate and operations) and to report on climate change activities and outcomes (i.e. greenhouse gas emissions). One of the serious issues is how are non-local authority issues captured and who holds the duty of care for that sector? A local authority should not be responsible for issues and impacts which is out of its control.

It should stress the importance of joint working and shared services.

25. Should the Bill contain enabling powers to introduce statutory guidance for certain public sector bodies (i.e. local authorities and large public bodies) on specified climate change or other environmental measures? Why? Are there gaps in any existing guidance?

There is a need for secure funding for research institutes and universities, which could provide independent research and advice on land resource management and use, validate monitoring programmes and carry out research and development on new technologies. There is also a need to forecast skill requirements of such organisations and liaise with education providers in order to avoid a skills gap in these areas.

26. What should this guidance include?

Guidance should include examples of best practice, contact details and explanations of carbon management tools. There is also a need for statutory guidance on many local authority functions, including:

- transport and transport planning
- building standards and low-carbon development of the public sector estate
- waste management and zero waste objectives

- planning and the National Planning Framework
- sustainable procurement

Community Planning is essential to the success of these measures.

27. Should the Bill contain enabling powers to create a requirement for certain public sector bodies (i.e. local authorities and large public bodies) to make regular reports on specific measures they are taking to tackle climate change (whether mitigation or adaptation) or other environmental issues? Why? What should be included in such reports?

Without a formal reporting requirement being created through the Bill, there will be little to encourage Councils to measure and account for progress. Formal reporting requirements are to be strongly encouraged.

This reporting requirement could be based on the existing (voluntary) reporting system that has been developed through Scotland's Climate Change Declaration.

There is a requirement for funding to be coupled with this.

28. As a potential non-legislative measure, should current Best Value guidance be amended to take specific account of climate change mitigation and adaptation? If so, how should Best Value guidance be amended?

Yes. The Climate Change Declaration should be used and linked to the 32 outcome agreements.

The Local Government in Scotland Act would be an important mechanism for emphasising climate change as a corporate concern, which needs attention across all services and competencies.

If climate change is brought into the Local Government in Scotland Act, it should be emphasised across the board, not as a stand-alone issue. Climate change mitigation and adaptation is key to asset management, human resources, performance and equalities concerns that sit within the Local Government in Scotland Act.

The Duty for Sustainable Development, and any new climate change elements, needs to be strengthened and supported through clear Statutory Guidance: the Duty of Sustainable Development has been effective where it was specific (eg, in emphasising its relationship to procurement). The existing Best Value & Sustainable Development Toolkit (www.sustainable-scotland.net/bestvalue) could be a basis for this. Any such guidance needs to be explicitly endorsed by Audit Scotland.

29. Are there any amendments to existing legislation or any enabling powers needed to allow for variable charging (for example by local authorities) to incentivise action or eliminate perverse incentives?

Enabling variable charging would allow both national government and Local Authorities to determine which charges (and incentives) were necessary to meet budgets and targets.

30. Are there any provisions to help Scotland adapt to the impacts of climate change which should be included in the Scottish Climate Change Bill?

A requirement to report on an indicator relating not to the number of adaptation measures taken, rather to the process of developing and taking action on adaptation is necessary. (similar to NI 188 in England). A duty is necessary to ensure that adaptation measures are being taken and financially accounted in local authorities.

31. Should provisions within the Environmental Assessment (Scotland) Act 2005, be amended in order to provide clearer links with emissions reduction? If so, how should this be done?

Environmental Assessment (Scotland) Act 2005 does not provide clear links to GHG emissions reductions. The SEA Toolkit and detailed Guidance must be updated to incorporate Greenhouse Gases in the climatic factors.

32. What are the equalities implications of the measures in the proposals for the Scottish Climate Change Bill?

If implemented incorrectly, there are potential inequalities. Consideration for sectors of the community who are unable to afford the compliance costs eg retrofitting homes with energy efficiency, cost to access the major centres from rural areas not served by public transport.

33. Is there any existing legislation within the competence of the Scottish Parliament (devolved) which needs to be amended so that appropriate action on climate change can be taken by sectors in society?

The Local Government in Scotland Act (2003)

Planning Act (Scotland) 2006

National Waste Policy (Waste from energy) – can create perverse incentives