

# Proposed response from Aberdeenshire Council on

## Proposals for a Scottish Climate Change Bill

### 09 SUMMARY OF QUESTIONS

#### TARGETS

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

All 6 greenhouse gases should be included from the outset, these are CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), chlorofluorocarbons (CFCs), and certain fluorine containing gases (HFCs, PFCs SF<sub>6</sub>)

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?

This is something which should definitely be considered as a future action. If this is to be introduced it should be done in a phased programme with clear goals. If it is not done in a structured manner it would just appear to be a 'moving of the goal posts' and could overall appear to make the programme less effective as the clarity of the objectives becomes lost.

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?

Current EU and UK emissions reduction agreements are based on direct emissions i.e. those from '...goods and services **produced** in Scotland'. Therefore if indirect emissions were counted this would ultimately result in double counting of emissions. Therefore, it would seem logical to count direct emissions, as this is in line with International emissions reduction agreements. This is contrary to the North East of Scotland Global Footprint Reduction report which measures consumption patterns. As Scotland produces electricity for export this shows as an increase in direct emissions. Over time, technologies are likely to change and if increased renewable sources are used in electricity production this would result in a reduction in these emissions. The most logical way to progress this would be to set targets via source emissions, although changes in consumption patterns in Scotland would not be reflected within emissions reductions as these would be accounted for in consumption patterns (indirect emissions).

There should be sufficient incentives to bring about step changes in energy efficiency and renewable energy. These should be clear and real incentives to promote demand reduction and energy efficiency and then use renewables to supply the energy required. The level of incentives should be demonstrably sufficient to enable changes towards the use of renewables. The bill should recognise and promote renewable energy production, especially heat, as well as electricity.

The bill should allow and encourage research and development into alternative power sources, this is essential if these technologies are to develop and become viable alternative sources of energy. The ambitious aims of the Scottish Climate Change bill should also provide the means to deliver the 80% target.

### Energy Efficiency & Microgeneration

One area for the Council to put forward and explore with the Scottish Government, which has been suggested by local NFUS members, would be the re-use or re-introduction of the traditional farm dam or mill pond.

In previous times, these were used as a source of hydro-power for mills and such like. Many of these have been wholly or partly filled in over the years, while in the last decade or so the introduction of various programmes under the Rural Stewardship Scheme has encouraged farmers to plant new hedgerows and construct ponds for wildlife.

A sensible measure would be to combine the two aims of support for wildlife through the construction of new ponds with the reinvigoration of the mill lades. Given the micro-generation technology available, it makes sense to look at the incorporation of a small hydro-power unit to provide power to the farm business or other nearby property. This sits comfortably with points 4.55 and 4.56 in the consultation document.

Retro fitting insulation and draughtproofing to existing stock is a major area where a lot can be done for a little - there is also great scope to reduce fuel poverty by making homes cheaper to run.

Build Nuclear Power - This is not Government Policy in Scotland but other methods of renewable generation are not addressing the fundamental issue of what happens when we decommission the existing plants as well as breakdowns/closures at conventional stations. Wind cannot take up the slack. Knowing that this will not happen for political reasons - then tide and current generation is far more reliable than wind and we have a fair amount of coastline to play with.

Aberdeenshire Council supports distributed generation of heat and electricity and reconciliation of supply and demand on a local basis. The plan should be to supply localised energy on a diffuse model, where what is produced locally meets the local demand, rather than building huge power stations, which supply large areas of Scotland (and possibly export as well) and which require significant transmission infrastructure. Transmission capacity per se also requires serious attention to be paid to it in relation to all energy generation.

Micro hydro generation to include suitable rivers in the Aberdeenshire area. Run of river schemes do not generally interfere with water abstraction needs or infrastructure - these systems need not unduly degrade the use of the rivers for sporting purposes and are more reliable than wind. Decisions have to be made on the sustainability of the majority against the needs of the minority.

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?

If the legislation is to remain meaningful in an international context there has to be provision for change to ensure it keeps pace with any changes in the international context. However, as per point 2 this must be allowed to happen in a phased way or the goals become impossible to attain as they are constantly changing.

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

The Emissions Trading Schemes (ETS) would take into account reductions because it allocates permits so if the organisation has reduced its emissions through abatement measures then this should be reflected in reduced need for permits. There does need to be clear guidance on the relationship between the targets and the EU ETS; the latter is up and running and is a practical tool for achieving reduction.

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

It appears that in order to reach the targets there will have to be some sort of trading (EU or International). This would suggest that Scottish targets are too high. Perhaps the trading of credits should form a Sustainable Development agenda which is separate from the climate change agenda. The issue here is that whilst Scottish citizens, corporate and individual, are not undergoing behavioural change, others are being forced to do so, in order that Scotland can continue to carry on with an unsustainable lifestyle. Business As Usual (BAU), is the scenario which Scotland should be trying to move away from at personal, corporate and national levels.

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?

Changes should only be allowed on the basis of a consensus of independent expert advice. It is important to carefully consider the level set for 2050, to ensure it is a Specific, Measurable, Attainable, Realistic, and Tangible (SMART) target, rather than to go for a great headline target which is not

realistically deliverable. It is recognised that this is an ambitious target and while this sends out the right messages, its delivery has to be seen to be achieved by credible means. The legislation has to allow for international change; in an ideal world the target should only be raised, but this can only be achieved if there is a realistic starting point. There is however merit in acting early from the perspectives of the environment and economic advantages as recognised in the Stern Report and the Councils own Scrutiny and Audit Committee report “The Bigger Issue”

## **SUPPORTING FRAMEWORK**

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

Overall - there is no mention in the Bill on funding, it will require organisations e.g. local authorities to deliver targets that will have large financial implications this issue needs careful consideration. Other factors need to be taken into account in setting the financial budget, and should include the provision for inter-period flexibility, with regular review periods aligned to key target dates

The social, economic and environmental factors listed should be the primary factors in setting the budget

Note these have been relisted in order of importance as ranked by the Council.

- Environmental impacts
- Scientific knowledge about climate change
- Likely population growth
- Social impacts, especially on rural areas
- Impacts on the economy and business competitiveness
- Likely technological progress
- Likely economic growth
- International circumstances

9. How long should interim budget periods be?

The interim budget period should be set at 3 year periods this would be clearer for business and would serve to separate it from parliamentary constraints.

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

Lead in times should be no more than 3 years to allow businesses sufficient lead times etc to make changes to their operation. At this stage it is not feasible to have longer lead periods due to the rapid change in technology, development of new technologies which have yet to be proved and the urgent need to address climate change.

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?

Aberdeenshire Council believes that this figure should be in the range of 5% - 10% maximum assuming interim budget periods of 3 years. If the budget is being banked the limits could be higher, however, if an excessive amount is borrowed it will become harder to balance this out over the following period. This takes into account that the greater the quantity of emissions which has already been reduced the harder, and more expensive it will become to realise further reductions.

There is a concern about creating superficial markets, given Council experience with the landfill allowance scheme, its cumbersome nature and the uncertainty over penalties etc.

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?

Regular interim point targets would provide guidance to business regarding this legislation (3 years and multiples of 3 to review past actions current period and project the coming 3 years ). As time progresses and new technologies become proven, business is more likely to invest in them. If there is no interim period and target this gives a lack of credibility to the commitment as it is currently perceived as "...a long way off". Certainly there should be an interim point target at 2030 as this essentially is the mid point between now and 2050, and this should be looking at, a minimum of 30-50% reduction, bearing in mind the increased difficulty and expense of achieving further reduced emissions.

## **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?

It is essential that Government reports on the effect policies have on other areas internationally, where there is a clear link that emissions may be being transferred to another part of the world, or indeed within the UK such as in emissions trading schemes or international credits.

Transport emissions should form an integral part of the reporting process, as there is evidence to suggest that this is an area which substantially contributes to emissions. This should notably include the emissions for air travel and shipping, which are currently not accounted for. This should be subject to the findings of the UK Climate Change Committee (UKCCC) when it reports on this matter.

It would be useful if the Government could report details of actions taken to encourage low carbon business to locate in Scotland. In addition large scale investment in hydrogen technologies should be encouraged and facilitated.

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

There certainly requires to be some mechanism and until this field is further developed this would certainly seem an appropriate mechanism initially, this is perhaps something which could be reviewed in later years.

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.

It would make sense to make use of an existing body as they will already have experience in working with the different parties involved, and have a working knowledge of the issues around climate change. Where the work is already ongoing it does not make sense to create public body, potentially an identical group.

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

Scottish Climate Change Impacts Partnership would be a suitable body as it incorporates a number of organisations and would provide a broad source of information in this area already. Work such as that done on the Scottish Climate Change Declaration should tie into the new Bill.

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.

In response to Q16, for consistency it would be sensible to use an existing public body in Scotland, to make use of the existing networks and expertise. There would also be potential to develop an existing group. The benefit is in the existing work which has been done and therefore there is a starting point supported by a body of information. It would also seem to be logical that the advising body would monitor the progress as it would have a complete understanding of the rationale.

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

The Scottish Climate Change Impacts Partnership, fits the criteria outlined it is; an existing group which has the appropriate networks, where a number of

partners work together and already have a body of knowledge to use as a base. It would be sensible for the new Bill to tie into the recently signed Scottish Climate Change Declaration.

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. Due to the tie in with the UK and EU legislation would this not automatically act as a mechanism to scrutinise the effectiveness of the Scottish Government's policies? It would be useful to have further reporting in the case where emissions reductions targets were falling behind: this could provide support and assistance to reverse an unsuccessful trend.

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.

The UK Committee on Climate Change should be the first point, as it will have knowledge and experience in the same range of issues.

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

As stated in the response to question 20, there is a need to ensure commitment to reduced emissions and through other links and commitments it would make sense to make use of existing bodies rather than create new organisations with limited remit. Other organisations may be able to bring other experiences and best practice to the table.

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?

Possibility of environmental measures, along the lines of a separate sustainable agenda. More prominence could perhaps be given to the Scottish Climate Change Declaration annual reporting.

## **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?

It is sensible to include the public sector and identify specific duties for it. However, it would be necessary to state from the outset what these powers would be and the expectation which would be made of these organisations. There would also be a necessity for the Scottish Government to provide a

framework so that all public bodies are taking the same action, and are not in any way reducing their potential economic development by implementing strict policies within their own work areas or Local Authority boundaries.

If enabling powers were included which, for example, imposed a duty to include climate change matters in Best Value audits in Local Authorities and similar duties on public sector organisations. Where there is a statutory duty, greater credence is given to work, with greater influence throughout an organisation.

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

Two obvious areas where duties could be included would be planning, and procurement. However, national guidelines have to make for an even playing field for any bodies which were given enabling powers. Funding from the Scottish Government for this would be appropriate, along the same lines as the Strategic Waste fund, as this is a new burden on Local Authorities and other public sector organisations.

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?

Yes, this could be useful in terms of adaptation. While the Bill is strictly about reduced emissions, there is likely to come a point where incidents occur and their severity could be reduced by adaptation measures. It would be useful to ensure an all encompassing approach. Stronger guidance on addressing the climate change implications would facilitate the inclusion of e.g. CO<sub>2</sub> into decision-making. Planning guidance on energy efficiency and micro-generation is an example of this but it should be wider, and implemented in as short a timescale as possible in order to encourage appropriate action by both LAs, other public sector bodies and developers. It may be necessary for statutory guidance to change procurement decision making for instance, in the absence of carbon accounting.

26. What should this guidance include?

This will vary for different regions over the country, but would generally have to cover emergency provisions for climate change related incidents. There should be guidance on retro-fitting as this is the harder part of reducing emissions. Specific guidance to encourage district heating & CHP, which are both much more common in other European countries, largely because of central government attitudes and funding, at least initially. There should also be provision for pro-active actions, rather than dealing with incidents where and when they arise.

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?

Yes this has proved effective in other countries, eg in Austria where public buildings have to report their weekly power usage on their website so if there is increased usage due to equipment being left on over the weekend, staff are held accountable.

There should be provision to take account of this in the Scottish Climate Change Declaration reporting.

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 current Best Value guidance should be amended. As per Q27, it should have specific role to include climate change implications eg CO<sub>2</sub> implications, whether involves renewable energy generation etc

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?

It would be worth considering having more incentive grants so that LAs could take their own decisions as to what they wish to target as being the most effective in their area or at any particular time (e.g. Aberdeenshire Council might wish to encourage biomass heat production or micro hydro as being particularly relevant)

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?

Carbon Accounting

Statutory Reporting

Statutory Targets

It is to be welcomed that the Scottish Government has not ruled out enacting legislation for Scottish territorial waters. Given the energy industry's importance to Aberdeenshire and the industry's requirement for certainty, Aberdeenshire Council should urge the Scottish Government to bring forward the necessary legislation as soon as possible should it appear that the UK Government is not acting with sufficient speed in the matter (point 8.15).

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?

It is the Council's view that this question is a methodological issue, which the Act acknowledges when it indicates in Section 14(3)(a) of the Environmental Assessment (Scotland) Act 2005 that environmental reports should take

account of “current knowledge and methods of assessment of environmental matters.” The knowledge, science and methods of SEA in relation to climate change will continue to evolve with time, and clearer links between SEA topics including emission reductions will be addressed. To continue to amend a substantive Act each time knowledge improves about emissions reductions, or of any other environmental issue, will be unnecessary and unwarranted. Through resources such as the SEA Toolkit and future guidance, these issues can be addressed with more flexibility, than will be prescribed in an Act.

However, if there is a strong need to use the law to strengthen climate change emission reduction measures, it could be done under an order referred to under Section 23 of the Environmental Assessment (Scotland) Act 2005. It states that “The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient for the purposes or in consequence of this Act.”

Thus instead of amending the Act, Orders of Parliament could be used more flexibly.

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

There is a need to ensure that all parts of society are included in both adaptation and mitigation, i.e. issues of fuel poverty, rural & urban, agricultural economy as well as industry & commerce

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?

No none that can be immediately identified.