

Consultation QuestionsTargets

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

The Bill needs to be based on the basket of 6 GHGs; Non-CO2 emissions represent 20% of emissions. Basing any target on CO2 only, especially when the uncertainties are high with the non-CO2 gases (mostly from Land Use and Agriculture) effectively masks the issue and Scotland would be at risk of not meeting targets in a global community increasingly aware of the impacts on non-CO2 gases. Furthermore, there are opportunities for developing technologies (methane reduction and nitrous oxide inhibitors) which could bring an economic advantage through Scottish Land-Based research establishments.

2. Should the Bill contain provisions to alter

Provisions should be kept in legislation to

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?

cater for any changes in the science and allowances for “new greenhouse gases” to be included over time. For example there may be new chemical or other processes which produce a gas that has GHG qualities. Also provision should be allowed for the so-called “pre-cursor” GHGs. These are included in reporting frameworks established by the UNFCCC, but due to the complexity of their chemistry in the atmosphere, the science about their fate in the atmosphere remains uncertain. However, given the focus of scientific research on all the GHGs, it is important that all gases currently reportable to the UNFCCC are reported and provision left to add or modify legislation, according to up to date scientific evidence.

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?

The Bill ought to encourage and develop positive incentives to promote energy efficiency and renewable energy. One current weakness with the Scottish Inventory is that it is based on a pro-rata (per capita) usage and a top-down calculation to effectively create the “Scottish Split” of the UK Greenhouse Gas inventory. Whilst the approaches and systems in place for reporting to the UN are excellent for the UK, a weakness in the sense of a devolved appropriation of Scotland’s actual emissions is that the emissions inventory lacks primary data from Scotland. It is important that the Scottish Government establish a Scottish Inventory Team, that works directly with data and scientists and industry groups to produce an absolutely water-tight and accountable inventory that meets UNFCCC standards. There are a number of risks currently to meeting targets because of the reserved power on so many aspects (particularly those effecting CO₂) that, policy changes within the UK government could conceivably have a negative impact Scottish greenhouse gas targets. Any taxation measures should be directed mainly into energy efficiency development capacity, and creates a feed fund for Scottish based research on renewable energy development to facilitate fast-tracking of renewable energy

	<p>development. Some policy needs to be developed to oversee Intellectual Property is kept in Scotland and not lost to foreign investors and thus limiting the potential for strong economic gain in leading on the Low carbon economy development. It is also important that the Scottish Government be accountable to an Environmental Ombudsman (perhaps an Environmental Commissioner to the Scottish Parliament) who would act independently of government and would not be affiliated to environmental NGOs. The Sustainable Development Commission (Scotland) or Scottish Sustainable Development Forum could be a useful current model to base this on. This body should run an end user based assessment of emissions on a 3 to 5 yearly cycle. This would then provide a policy assessment practice for gaps in policy development and implementation resulting from the source-based emissions only, (for example, cheaper energy being bought cross border from England where there would be no direct tariff on energy charges).</p>
<p><i>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?</i></p>	<p>Yes. It is highly likely that for international collaboration and development of actual and binding emissions targets, the policy landscape at the international level will transform from the Kyoto based framework to some new Protocol or multi-lateral agreement in the next few years. Therefore, we must protect Scotland's own economy by ensuring flexibility in our legislative mandates.</p>
<p>5. Should the emissions reduction target take account of the abatement effort made by companies under emissions trading schemes? If so, how?</p>	<p>Yes. The Scottish Government is demonstrating its commitment to lead on climate change by developing the Scottish Climate Change Bill and with the ambitious targets in the 2050 timeframe, needs to recognise that industries will change over the period between 2010 and 2050 with many of the high CO2 polluting industries being replaced in the timeframe by carbon emission free technologies. The EU Emissions Trading Scheme (EU ETS) is an important mechanism that operates to secure Europe in its emissions targets commitment under the</p>

	<p>Kyoto Protocol. The Scottish Government should be looking at a closer relationship with industry in Scotland and prioritising change which may include incentives to protect industry locally, whilst at the same time targeting a reduction in GHG emissions. This could work well in a changing international climate where higher emissions reductions mean tradable units.</p>
<p><i>6. Do you agree that international credits should be counted towards Scottish targets? Should there be limits on credits counted towards Scottish targets?</i></p>	<p>Yes. There should be a limit set on the use of credits to ensure real transformation of the economy to low carbon, and actually limit emissions. However with climate change being such a Global issue and the Scottish share being less than 0.2% of emissions globally, it is sensible that trading remains an option. With secondary legislation, it could be possible to amend limits. A full economic study projecting differing economic scenarios and the impact of changing political landscape within the UK and Scotland should be carried out before setting targets. A clear definition of “credits” needs to be outlined in the Bill, it is assumed the the Bill specifically refers to the CERs, EMU and CRUs as defined by the Kyoto Protocol’s “mechanisms”. The risk of not defining this is that renewable energy generation in Scotland is already being exported and these could represent credits albeit within UK.</p>
<p>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?</p>	<p>Yes. The Bill should be able to be amended through secondary legislation to alter targets and the Scottish Government seek independent advice (this could come from outside of the UK) and because of the introduction of legislatively bound targets, a Scottish presence on inventory should be held at the SBSTA and SBI meetings held by the UNFCCC and be formally representing Scotland’s interests at EU level negotiations. The target should be open to reductions as changes in the science and reporting particularly of the non-CO2 gases may make it problematic for Scotland to achieve targets that may have a social-economic negative impact.</p>

Supporting Framework

<p>8. What factors should be taken into account when setting the level of budgets?</p>	<p>We agree with those listed in paragraph 6.5 but would also include the impact of policy development and implantation within Scotland, UK and EU. To include a measure that assesses value for money and a form of triple bottom line measurement (i.e. impact environmental, economic and social) of budget.</p>
<p>9. How long should interim budget periods be?</p>	<p>The timeframe should align with the 5 year cycle outlined in Kyoto, since reporting is due 16 months after the event (i.e. 2008 will be reported in April 15th 2010). For this reason there is no immediate advantage of aligning with the Scottish Parliamentary cycle and it is plausible that this could change in the 2050 timeline. Secondary legislation should provide for adjustments in reporting budget periods.</p>
<p>10. How many years in advance should emissions budget periods be set in order to provide sufficient time to develop infrastructure?</p>	<p>Budgets should be agreed at least 5 to 7 years in advance.</p>
<p>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?</p>	<p>It is suggested that this is one year of the next budget period's assigned amount (e.g. if the period is 5 years then 1 year at the budget setting). However, the Government could also include an interest rate (akin to a mortgage) that is then levied on the key areas of the economy that are failing to meet their emissions reductions targets. The rationale for this is that environmentally the impact of the GHG in the atmosphere is not counted if there is borrowing allowed. Interest means that a proportionally smaller amount of emissions would be allowed to be emitted to counteract the time-lag on meeting the reduction commitment to redress the environmental impact.</p>
<p>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?</p>	<p>There should be interim targets every 5 years as the timeframe of 10 years in a changing political landscape is too long and the risk is high that targets can slip. Legislation should be introduced to ameliorate the impact politically of missing targets and also ensure that transformation to a low carbon economy</p>

	remains a front line policy imperative for Governments of the day. Interim targets should be set for 2015, 2020, 2035, 2040, 2045 and 2050.
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Reporting Scrutiny and Framework

<p>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?</p>	<p>Annual reporting of emissions inventory is an essential policy tool for the Scottish Government for delivering on GHG emissions reductions. Therefore annual reporting and updating of methodology should be implicit in this Bill. Collaboration with the UK National Inventory Systems is recommended. However for transparency and accountability a 4 yearly report (coinciding with the Parliamentary period of Scottish Parliaments should be established and this process reviewed and assessed by either the Scottish Environmental Ombudsman or the UK Climate Change Committee.</p>
<p><i>14. Is a process of Parliamentary scrutiny the appropriate way of holding the Scottish Government to account if targets or budgets are not met?</i></p>	<p>Yes. Through the Scottish Environmental Ombudsman (or Commissioner for the Environment).</p>
<p>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.</p>	<p>The primary source of advice must be the Scottish Government itself but closely audited by the proposed Scottish Committee on Climate Change.</p>
<p><i>16. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?</i></p>	<p>If for resource issues, it was decided to appoint an existing delivery body, that body should be SEPA, but with some important enhancements to capture the broad spectrum of issues implicit to climate change and not solely associated to economics. However, for measurement and reporting of emissions, SEPA would be the appropriate delivery body.</p>
<p>17. Which organisation should be tasked with monitoring the progress of the Scottish</p>	<p>This should be carried out by the new Scottish Committee on Climate Change and</p>

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.	periodically reviewed by the UK Committee on Climate Change.
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 Sustainable Development Commission Scotland should undertake this task, because the experience across the economy and understanding of climate change will support excellent scrutiny. Furthermore the SSDC has a history of working in reviewing UK and Scottish policy in climate change and sustainable development and has institutional capacity.
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)?	To add scrutiny, the Scottish Government should undertake a 4 yearly audit of its policy and this be based on a statutory report to the Scottish/UK climate change committee.
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.	A new Scottish Committee on Climate Change seems the best option.
21. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?	The Sustainable Development Commission (Scotland), because of its experience in the climate change policy arena.
22. Are there any other functions related to climate change, existing or new, which should be carried out at arms length from the Scottish Government and why?	No comment.

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?	Yes. Target-setting for emissions reduction in public sector bodies in Scotland needs to be established, including a provision for reporting annually greenhouse gas emissions, policies and measures taken to mitigate climate change and also provisions for adaptation. The measures would be integrated into Best Value.
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<p>24. What should such a duty (or duties) include?</p>	<p>Such duties should include a standardised inventory report from all public bodies and a policy review. Greenhouse gas emissions could be included as part of Strategic Environmental Assessment in terms of the overall GHG impact of all public bodies activities.</p>
<p>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?</p>	<p>Yes. Statutory guidance is important because there is an issue with the local government concordat which effectively allows Councils to select which information they want to submit to the Scottish Government. It is important that there is a standard reporting format for all Scottish public bodies. Not only would this make it easier for Scottish Government to collate, but also allow comparison and support to be allocated by government according to reporting outcomes.</p>
<p>26. What should this guidance include?</p>	<p>The guidance needs to include a precise description of how greenhouse gas emissions are to be reported; population statistics; changes since the previous year and projection for the future years including targets and a plan of action.</p>
<p>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?</p>	<p>Yes. This should be done on an annual basis. Policies and measures taken to effectively tackle climate change and sustainable development indicators should be put together in one standardised report. These should include measurements, predicted impact, progress in implementation and actual impact.</p>
<p>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?</p>	<p>Yes. See previous responses Q23-26.</p>
<p>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?</p>	<p>No comment.</p>
<p>30. Are there any provisions to help</p>	<p>A provision for establishing a climate</p>

<p><i>Scotland adapt to the impacts of climate change which should be included in the Scottish Climate Change Bill?</i></p>	<p>impacts fund (for adaptation and emergency or disaster planning, a Civil defence approach. The focus of this publicly funded organisation would be to up-skill the community and funding appropriated specifically for climate related “extreme” events. This scheme would be analogous to those established in countries that have established serious risks to natural phenomena in the environment, weather related or other, such as tsunamis, hurricanes and earthquakes, landslides etc. This needs to include a mechanism for funding, strengthening Scottish planning policies.</p>
<p>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?</p>	<p>Yes. The amendments should provide for consultation with a panel of experts, possibly consisting of the new Scottish Committee on Climate Change.</p>
<p><i>32. What are the equalities implications of the measures in the proposals for the Scottish Climate Change Bill?</i></p>	<p>Any apparent (e.g. improvements in housing stock) seem to be positive. From an Equality & Diversity approach, consideration of the communication of this important piece of legislation for certain groups i.e. age, disability and race etc. is paramount.</p>
<p>33. Is there any existing legislation within the competence of the Scottish Parliament (devolved) which needs to be amended so that appropriate action can be taken on climate change by sectors in society?</p>	<p>This is already covered Best Value, SEA & SPPs that are already embedded legislation. However, the Scottish Government may consider legislating for reporting on carbon emissions reduction target included in business reporting. Developing guidance on reporting for non-public bodies will enhance robustness and bring great integrity and accountability to these sectors. Presently there are a range of GHG reporting software tools, it would strengthen the position of the Scottish Government to develop a defined policy for the methodology for calculation, measurement, verification and quality control of GHG emissions and reductions and the appropriate software tools to provide these reports. Finally, by including measurement of social indicators alongside economic and environmental (GHGs), this would enhance the sustainable development agenda reporting (e.g. use of social deprivation indicators in Local Authority reporting).</p>

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