

CORPORATE SERVICES

Scottish Climate Change Team
The Scottish Government
scottishclimatechangebill@scotland.gsi.gov.uk

Date 18 April 2008

Your ref

Our ref

Dear Sir/Madam

SCOTTISH CLIMATE CHANGE BILL CONSULTATION: RESPONSE BY THE CITY OF EDINBURGH COUNCIL.

The City of Edinburgh Council welcomes the invitation to respond to this consultation and submits the following details for consideration.

I hope that this response is useful to you in further developing Scotland's Climate Change Bill. Please contact me should you wish to discuss any of the issues detailed above.

Yours sincerely

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INVESTOR IN PEOPLE

CONSULTATION ON PROPOSALS FOR A SCOTTISH CLIMATE CHANGE BILL CITY OF EDINBURGH COUNCIL CONSULTATION RESPONSE

GENERAL

The opportunity to respond to this consultation is welcomed by the City of Edinburgh Council. The attached consultation response reflects the views of a number of Council Departments – namely Corporate Services (Sustainable Development Unit), City Development (Transportation Planning, Economic Development & Planning), Services for Communities (Waste Management, Community Safety (Licensing)) and Finance.

This is a complex and challenging policy area covering a broad range of issues that could have both medium and long lasting impacts on Scotland's economy and policy direction. This is reflected in the length and detail of the consultation document. It would have been useful if a summary of key issues for each chapter had been included in the document.

Specific comments

Chapter 8 identifies the public sector as having a key role to play in reducing emissions in Scotland. A response has been given below to the consultation questions but questions 23 to 29 are of particular importance to local authorities. Due to the complex nature of climate change the Council felt that a longer consultation period would have been justified.

TARGETS

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

Considering the Global Warming Potential (GWP) of the other 5 greenhouse gases listed, it makes sense to reduce emissions of all gases with a contributing role in climate change. Given the urgency of the need for action, the setting of targets for the individual GHGs (other than CO₂) could be phased in according to improving scientific research, understanding of their impacts and the adequacy/accuracy of monitoring arrangements. (Consultation goes on to say that there is a proposal to use 1990 Kyoto baseline for CO₂, nitrous oxide and methane and 1995 for F gases (hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride)).

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?

Alterations should be included in future revisions of the Bill as science in this particular field is improving all the time and as a result recording and data reliability will also improve. This information will therefore be important in providing direction for action. It is suggested that such alterations should be approved by an independent body probably the same body that would advise on emission budgets. It is also suggested that the Bill should allow for the inclusion not just of targets for other GHG but also the rapid introduction of measures to tackle them.

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?

It is suggested the targets be based on an end-user inventory (consumption based) as per paragraph 5.33. This means that reduction in energy demand and an increase in renewable electricity generation in Scotland would be reflected in the emissions recorded.

The priority and assurances given to the introduction of incentives to improve energy efficiency and renewable electricity are very much welcomed. Some of these initiatives are known but they are often being carried out under different agencies and we would urge the Scottish Government to include these in the Adaptation Strategy.

It is important to break down the sort of targets being set both at national and even local levels – these currently could be seen as being too remote from the activities of producers and users of energy. (The Planning Section would be happy to take part in a discussion about the appropriate form of target breakdowns and this on its own might impact on the sort of initiatives and programmes for their attainment. One question might be – is it wholly reasonable that rural areas should be expected to make provision / bear the consequences for renewable energy generation which is mainly for use in cities?)

There is a number of ways that targets need to be made much more ‘accessible’ and therefore measurable and attainable. This could be according to the following:

- by measures of what is meant by a low carbon economy (e.g. Stern’s 4 categories of emission intensive goods, energy efficiencies, lower carbon technologies and non fossil fuel emissions);
- by allocated contribution of the national target to individual regions / areas (local authority/population size/energy demand?);
- by topic, for energy efficiency and renewables technologies investment;
- by sector not just public/private but by housing/commercial / manufacturing / agricultural etc.;
- by assistance to individual behaviour (viz. the unresolved debate about type of smart metering to introduce).

The City of Edinburgh Council would like to see these issues covered in the ‘Adaptation Strategy’ and that the Council will be invited to respond to further consultation in Spring 2008. The Council would like to see a closer link between the Bill and this strategy. In effect the Bill should stipulate the requirement for such a strategy to be prepared, for the identification/funding of a body to prepare it, support the actions required (as indicated by the Stern Report) and oversee its implementation with responsibilities to report to Parliament at regular intervals on progress. A regular review period for the Strategy should also be specified.

In terms of waste management, there is an opportunity for government policy to make the link between sustainable waste management and sustainable energy. The Minister has recently announced changes to the National Waste Policy. Although this would appear to restrict the role of energy from waste, it also seeks to drive up the efficiency of any energy recovery system. In order to maximise such benefits it is imperative that such overlapping policies be driven forward in tandem and not in isolation.

As raised in the introduction it could be said that it is not only our explorers, entrepreneurs and scientists who have made a contribution, Scotland has also had

public services and programmes that have a world wide reputation in tackling for example education, health and housing conditions. Whilst all agencies should have a strategy for responding to this issue the severity of the problem and these issues highlight the need for the process to be served by a dedicated agency (see Q 22 below).

One advantage of Scotland's scale that does not appear to be addressed in the proposals is the creation of a forum where national and local, policy and practice, targets and programmes come together to ensure effective priority, action and understanding.

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?

International developments are fluid and as such the Bill should be able to respond to such developments as they arise. The means of measuring targets should be able to reflect any such changes and this should be addressed through secondary legislation. This should be overseen by an independent body.

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

It is important that the targets set as part of the Bill do not compromise the EU ETS.

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

The Council agrees that international credits should be counted towards Scottish targets. As the currently non – Annex 1 countries develop their economies there is a risk that it will be on the basis of both low carbon technology, purchased through a flexible mechanism, and traditional high carbon technology. As a result their emissions will increase over time and the opportunity to trade credits with Annex 1 countries decline. Therefore credits should be set to eventually decline to zero over time.

The use of international credits should be in line with that set out under the Kyoto Protocol. The suggestion of obtaining independent advice on the appropriate usage of international credits is welcome.

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?

The Bill should allow the level of the 2050 target to be changed through secondary legislation, based on advice from independent expert sources. Any changes to the target through secondary legislation should be limited to an increase in the targetted percentage reduction in emissions.

SUPPORTING FRAMEWORK

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

The ultimate target for greenhouse gas reduction is 2050. There is a need to have a trajectory that obtains reductions sooner, rather than later.

Budgets must be set on an overall trajectory from the start that would meet the 2050 target. Though it will obviously be difficult to identify the source of reductions long into the future, setting an overall trajectory will help to focus minds on what will be needed over the short to medium and long term.

9. How long should interim budget periods be?

Five years, to fit with the UK Climate Change Bill periods and current European Union Emissions Trading Scheme phase.

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

Fifteen years is considered a realistic compromise.

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 absolute limit should be an average year's targetted reduction in emissions for the relevant budget period. When 'borrowed', the target for the next budget period should be commensurately adjusted (i.e. targetted carbon emissions reduced by the equivalent amount).

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?

The Bill should include an interim target, as scientific indications are that early and significant reductions in emissions are needed. The level could be based on the proposed EU target for 2020 of 30%. This would show leadership. Alternatively advice could be sought from the Scottish Committee on Climate Change or whatever other body is selected as the primary source of advice for ministers. There should also be a rolling annual reduction target based on the 5 year moving average of relevant emissions – thus allowing for annual fluctuations but with a four year reporting timescale to fit with the lifetime of each Parliament.

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?

There should be a duty placed on Scottish Ministers to report on the consequences for relevant emissions of all policy initiatives/ programmes etc that can reasonably be expected to have a significant impact on emissions. This would include, for example, national planning guidance, speed limits and major infrastructure projects.

For example, there should be an annual report on the emissions of greenhouse gases by road vehicles using Scotland's roads, and the recorded and projected effects of all relevant programmes and schemes on these emissions.

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

Yes. Parliamentary scrutiny should be part of the process of holding the Scottish Government to account for success or failure in meeting targets or emission budgets.

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 is suggested that a new Scottish Committee on Climate Change, consisting of members with backgrounds in relevant disciplines (e.g. climatology, economics, psychology and ecology).

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

The proposed new Scottish Committee on Climate Change. Its views should be seen as independent and it will be able to commission research work on emissions from other bodies such as SEPA and SNH. It has been assumed that the new Scottish Committee on Climate Change will be a Parliamentary Committee.

- 18. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?**
- 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. This would add credibility and reinforce the overall strategy to reduce emissions nationally.

- 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 new Scottish Committee on Climate Change could be given powers to consider the effectiveness of policies and call Scottish Ministers to hearings on progress.

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

The questions relating to the issue of appropriate organisation seem to be built round the assumption that the tasks required involve mainly monitoring and reporting. Does this (and the Bill) miss a major opportunity to provide leadership and direction to addressing the challenges faced? From a local perspective there seems an opportunity to rationalise and focus the number of agencies involved in energy efficiency. Similarly, there is a need for an agency with national status if the true potential of renewables is either to be tackled in terms of negotiating change to the UK wide energy generation framework (if the policy levers are not where they should be, then a programme for change needs to be identified) or to harness / redirect more effectively the role of large scale utility providers in establishing decentralised energy generation. A key consideration for renewables to become a reality is the ability of the grid or power supply network being technically able to accommodate them. A similar issue that has

taken a long time to resolve is the resolution of permissions, benefits and connection fees for individual suppliers to join the grid. A specific mandated agency with clear powers would seem a necessary step in moving this agenda forward.

Many of these and the supporting measures identified come with their own detailed agendas that need to be addressed if their realisation is to become reality. In some cases the issues about new technologies are overstated but there is no doubt that many do pose new challenges (i.e. to date they are relatively untried in Scotland, do not have local suppliers, do not come with clear warranties, are not backed up by installers with adequate numbers or expertise, there are inadequate incentives for individual investment; all leading to low volumes and slow progress towards value for money). For example press reports indicate there were some 12000 householder applications for photovoltaic panels approved for grant in Germany in the month of January 2008 against nil in the UK (in 2007, 130,000 in Germany compared to 237 in the UK).

The Government is currently reviewing the operation of the National Waste Plan. This is currently delivered by SEPA, through Area Waste Plans. SEPA has a certain level of independence from Ministers which gives confidence that policy decisions can be based on sound scientific or environmental (as opposed to purely political objectives) and the Council views this as an important feature of the current system. In addition the Council considers that the Waste Strategy Area Group in the Lothians and Borders has been an effective body.

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. See answer to question 13.

The Bill needs to introduce a framework in which targets, programmes for their attainment and partners responsible are clearly set out. There is a strength that comes from creating duties that may give statutory protection and greater priority to roles that in a climate of expenditure restraint are not deemed essential.

However the creation of duties, as much as programmes, need also to be realistically resourced. There is no detail in the consultation as to the financial resources that would be required to support and meet the requirement of the Bill by the public sector. With the current council tax freeze, do local authorities have to rely on existing resources such as spend to save funds and the Prudential Framework? This may become more of an issue once the easier emission reductions have been achieved. Would there be sanctions if there is non compliance with targets? The council would welcome further consultation on the financial support to meet targets.

The City of Edinburgh Council believes this is important, as local authorities have the knowledge, understanding and capabilities to address environmental issues effectively. The City of Edinburgh Council is already taking action to tackle climate change. It has set the following carbon reduction targets: 20% by 2015; 30% by 2025 and a zero carbon economy in Edinburgh by 2050. It has also signed up to the Scottish Climate Change Declaration as a means of reporting on climate change activities and is committed to mitigating climate change emissions as well as looking at adaptation strategies. In addition the Council will also be ensuring that there is regular scrutiny of its own progress on climate change by reporting to the Policy and Strategy Committee.

In addition the Community Planning process in Edinburgh has established a climate change task group to tackle climate change across the City.

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

See answer to question 13.

Climate change, sustainable development and sustainable building is still characterised by aspiration rather than practical achievement. Perhaps the areas recommended by the guidance for planning on sustainable development, particularly those on sustainable transport, low carbon buildings, procurement and environmental enhancement need to become duties or legally binding. Whilst supportive of the focus on energy issues, perhaps greater cross reference or mention could be highlighted in the section on Supporting Measures to those items raised at 4.55. These include transport measures (50% of CO₂ emissions and on the increase in Scotland) through to the support given to the Council for the Edinburgh tram system and on environmental protection/enhancement, for example, support to the Forestry Commission. These areas need to be developed as part of a broad response to the challenges of Climate Change.

City of Edinburgh Council would suggest that:

- Local authorities should determine their own carbon footprint and come up with a list of actions to reduce it as required. This will increase understanding and help when monitoring and reviewing progress.

Local authorities should set up task groups involving a broad range of stakeholders/partners from the public/private sector under community planning. Each should be in charge of suggesting and taking forward actions, which will ensure that targets are met and that the city is prepared for the changes that will be necessary.

In addition almost all emphasis on diverting waste from landfill has so far focussed on municipal waste. It is disappointing that there appears to have been little progress to date in improving practices in other sectors when these are actually larger waste streams. The Council considers this should be a Government priority.

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?

Research suggests that adherence to existing road speed limits reduces the amount of carbon dioxide emitted from vehicles, as well as offering road safety benefits. It would be helpful to have guidance on the climate-related emissions implications of land use planning policy - for example relating to denser urban developments versus low density edge of town development.

In this respect the Council would invite the Scottish Government to consider introducing national guidance and requirements along the lines of the Edinburgh Standards for Sustainable Building. This might take a similar route to the Code for Sustainable Homes and the Code for Sustainable Building being introduced in England. This is fundamental to ensure a uniform approach across all 32 local authorities to avoid policy conflict and to allow sharing of good practice. In Edinburgh we are addressing the issue of low carbon buildings through the Edinburgh Standards for Sustainable Building. This ensures that all new major developments meet energy targets both in terms of construction and ongoing energy efficiency. Given the significant numbers of new developments occurring and proposed across the city in the next 20 years (the Waterfront, West Edinburgh, Craigmillar) this will have a significant impact on helping to deliver targets. This kind of policy approach needs to be rolled out across all Scottish Local Authorities to make life easier for house builders.

In addition there can be conflicts between measures introduced to combat climate change and Local Air Quality Management. It is important that the Bill takes account of other policy areas and statutory requirements and addresses areas of conflict (for example the use of biomass heating in urban areas). In particular the setting of targets or policies on climate change must take into account the requirements of the statutory Local Air Quality Management regime, the National Air Quality Strategy and associated policies. This should be reflected in any forthcoming guidance.

26. What should this guidance include?

The Council would like to take this opportunity to recognise the work being carried out through the Scottish Government Planning Division and the Scottish Building Standards Agency (SBSA) as providing alternative routes. Both 'Changing our Ways' and 'Choosing our Future' recognise the role of planning as a gateway to sustainable development and this is backed up in the recent Planning etc. (Scotland) Act 2006 and other guidance like SPP 6 Renewable Energy. Ways need to be found to better integrate this with the work of the Agency in raising the energy standards as outlined in the Sullivan Report. In the Council's view the standards recommended by Sullivan will lead to a requirement for on site renewable energy generation that will become a material consideration in the planning process.

Planning and Building Standards are important mechanisms to tackle, not just Stern's key areas of low carbon technologies and energy efficiencies, but also emission intensive products and the reduction of non fossil fuel emissions. The Edinburgh Standards for Sustainable Building tries to tackle these broader issues that are also covered in the SBSA Report 'Sustainable Development Policy into Practice – New Building' which should be progressed at an early date to inform this process.

The roles of Planning and Building Standards in these areas need to be extended and backed up by national policy requirements.

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?

Research suggests that adherence to existing road speed limits reduces the amount of carbon dioxide emitted from vehicles, as well as offering road safety benefits. Police forces should take this into account when developing policies for traffic enforcement. Local authorities and Transport Scotland should be expected to report on trends in vehicle speeds and estimated impacts on climate-related emissions.

Performance indicators on climate change should be part of our existing strategies with climate change implications embedded in all Council performance reports. These should be part of the Audit Commission's performance indicators that it monitors. These indicators would be a useful way for local authorities to learn from one another and share good practice.

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?

The Best Value guidance already includes sustainable development (social, environmental and economic) as a key characteristic. However, climate change

mitigation and adaptation specifically should be added and requirements to address both issues clearly outlined.

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?

The employment of variable charging by local authorities to incentivise actions or eliminate perverse incentives is a complex matter that would require further development and discussion at a national level. The City of Edinburgh Council is very much in favour of extending local authorities' powers to incentivise reductions in carbon emissions. The Scottish Government should investigate the possibilities of introducing new powers, in partnership with COSLA, as a matter of priority in order to ensure our joint climate change targets can be delivered.

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?

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?

The Council would welcome further guidance on how and when to build in consideration of green house gas emissions in the SEA process.

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

Both global and local implications should be considered and in regard to the latter consideration is given to implications for the rural / urban divide, the vulnerable, those facing fuel poverty and for biodiversity.

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 proposals make little mention of financial implications other than in section 4.55 to 4.59. The SCHRI grant increase is welcomed but at a grant maximum of £6000 per house this would mean improvements to some 2250 houses, the Edinburgh housing stock alone is of the order of 200,000 houses.

More can be done to address the issue of energy efficiency within the existing housing stock. Some 35% of Edinburgh's housing stock is pre 1919 and many are of low energy efficiency. The Council is supporting Edinburgh World Heritage to work with Changeworks to study improvements that can be made to the energy efficiency of historic buildings. This will have a wider impact across the city as its results will transfer to the pre 1919 stock. As these houses are stone built, they will endure into the future providing solid housing accommodation. The tenement areas are high density and generally deliver many of the essential criteria which foster sustainable communities. They are highly efficient in terms of embodied energy but not as energy efficient as today's housing.

Paragraph 4.58 points to the advantages of reusing existing buildings – it is the Council's experience that a life cycle cost perspective is difficult to encourage in the property development industry. Steps to zero rate VAT in property refurbishment, energy efficiency improvement work, renewable energy generation installation and power supply would be welcomed.

Scotland's housing stock should be more accurately assessed in terms of energy efficiency through the Scottish House Condition Survey process as a matter of urgency.

It may be that consideration should be given by the Bill to an 'area approach' to improving energy efficiency, for example through powers to declare 'Energy Action Areas' similar to 'Housing Action Area for Improvement' programmes implemented in the 1980's.

Experience in Germany shows the benefit of incentives to develop the renewables sector. This refers not just to installation grants but also the provision of generous feed-in tariffs. This should be seen less as subsidy and more in terms of leveraging in individual resources which is made all the more attractive by what appears an inexorable rise in fuel prices and concerns about security of supply. The Bill could seek powers to levy a carbon tax that is used to help provide further grants and a subsidy programme to stimulate better progress towards a low carbon economy.