

Consultation QuestionsTargets

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

It is important to recognise that carbon dioxide is not the only gas that contributes to climate change, and that a target for the reduction in emissions of one gas should not cause an increase in emissions of another. Therefore the Scottish target should be based on the basket of greenhouse gases, with a target expressed in CO₂e, to enable emissions reductions to be achieved in the most cost-efficient way.

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?

As the science of climate change is still evolving, the Bill should contain provisions to alter which gases are included, in order to increase its effectiveness. However, these amendments should only be made on the

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| | <p>basis of sound science and independent advice. As noted above, it is important that reductions in one type of greenhouse gas should not be brought about at the expense of increases in emissions of another.</p> |
| <p>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?</p> | <p>It is important that the Bill promotes energy efficiency and demand reduction, as well as addressing emissions at source. An end-user inventory would take account of the whole spectrum of activities from energy use to energy efficiency to renewable energy generation, and would ensure that end users are accountable for their actions. It is important to monitor indirect/consumption-based emissions, including in the embodied energy of goods and services, in order to ensure that meaningful emissions reductions are being made, and that polluting practices are not just moved to countries with less stringent regulation. Targets should be set for local authorities and other public bodies, as well as established by sector, in order to provide a clear goal and a more meaningful reporting process.</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, the provision for secondary legislation (rather than primary legislation) would allow changes to be made more quickly in response to improved knowledge and unforeseen impacts. However, any changes to the means of measuring the target should be based on sound scientific input from an independent review body, and should be subject to public consultation.</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>The target should not take into account emissions that are covered by the ETS: a convincing argument for not including these sources is given in paragraph 5.38 of the consultation document. If a source is already covered by the ETS then there is no value in also including it in the Scottish Target. Greenhouse gases are a global problem and the Scottish Climate Change Bill target should only apply where it can actually make a difference.</p> |
| <p><i>6. Do you agree that international credits should be counted towards Scottish targets?</i></p> | <p>No. International credits are part of a separate scheme, and should therefore not be counted</p> |

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| <p><i>Should there be limits on credits counted towards Scottish targets?</i></p> | <p>towards the Scottish targets. It is important that the Scottish target should address actual improvements in Scotland, not offsetting measures elsewhere.</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, as the science becomes more certain, there should be the opportunity to amend the target, but this should only be introduced on the basis of clear, expert advice from an independent review body, and should be based on the reductions that are required to avoid or reduce climate change, rather than on what can be easily and cheaply achieved.</p> |

Supporting Framework

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| <p>8. What factors should be taken into account when setting the level of budgets?</p> | <p>National and international research on climate change, including reports from the Intergovernmental Panel on Climate Change, The Stern Review, and SNIFFER's research.</p> |
| <p><i>9. How long should interim budget periods be?</i></p> | <p>The budget periods should mirror those of the draft UK Bill – 5 year periods to 2050. This would also fit in with the current EU ETS phase and Kyoto period, and would allow for short- and medium-term planning.</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>Three budget periods (15 years) appears to be appropriate, in order to give the public and private sector sufficient confidence to plan ahead.</p> |
| <p><i>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?</i></p> | <p>The focus of the proposed Bill should be on emissions reduction. Borrowing could encourage complacency, and stifle innovation, so should be discouraged. However, banking is to be welcomed as part of a strategic approach, as it can enable innovative methods to be tried.</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>The Bill should include interim point targets at 5-year (or more frequent) intervals, in order to set the trajectory for emissions reductions and limit the total amount of greenhouse gases emitted over the period to 2050. This would allow for short- and medium-term planning, and encourage all sectors to take action.</p> |

Reporting Scrutiny and Framework

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| <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>The reporting should give an indication of Scotland's greenhouse gas emissions, in terms of both consumption and production. Therefore, the report should include a measure of energy/carbon consumption in Scotland, such as carbon and ecological footprints. Emissions produced by the 'Scottish element' of aviation and shipping should also be included, including a relevant proportion of emissions from international aviation and shipping originating from or arriving in Scotland. There should be reporting on the roll-out and implementation of the Scottish Adaptation Strategy.</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>As this is the approach at UK level, Clackmannanshire Council considers that there is no Scottish dimension that requires a different approach. There should be an independent audit of the Government's report.</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>There is a requirement for an independent body, and the most practical approach would appear to be a Scottish sub-committee of the UK 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>Clackmannanshire Council is not aware of any body in Scotland which would be suited to this task.</p> |
| <p>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.</p> | <p>It is necessary to have an independent body to monitor the Scottish Government's progress in order to ensure transparency. A Scottish sub committee of the UK Committee on Climate Change would be the most practical of the three options.</p> |
| <p><i>18. 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>None. See 17 above.</p> |

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| <p>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)?</p> | <p>Yes. There is a need for independent auditing and it is considered that this should build on the structures proposed at the UK level, with a Scottish sub-committee of the UK Committee on Climate Change.</p> |
| <p><i>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.</i></p> | <p>See 19 above. There could be a limited role for Audit Scotland, but they would require additional resources and capacity-building, and this may not be the best use of limited public resources and limited expertise.</p> |
| <p>21. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?</p> | <p>Audit Scotland would be most suited but this is likely to be beyond its existing expertise.</p> |
| <p><i>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?</i></p> | <p>Research into the role of the land use change and management as well as the potential opportunities to diversify land management for positive benefits to the Scottish community. This could be carried out through SNIFFER or similar organisations.</p> |

Supporting Measures

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| <p>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?</p> | <p>The commitments set out in Scotland’s Climate Change Declaration should be embedded in the legislation: the universal support for the declaration from all 32 local authorities in Scotland is a crucial foundation on which the Bill’s commitments should be based. Local authorities should have a specific duty to reduce greenhouse gas emissions in their local authority area. This should be supported by robust guidance on the baselines to be used, and a clear linkage between local authority targets and national targets. The Bill should take account of the need to link together the Scottish target with the National Performance Framework, local government targets and Single Outcome Agreement targets. Furthermore, the Bill should require all local authorities to agree a target for their area, which would be included in their Single Outcome Agreement. Notwithstanding this, the whole of the public sector should have a duty to address climate</p> |
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| | <p>change, as part of its duty of Best Value. Public sector duties to take action on other environmental issues would be welcomed as a way of mainstreaming environmental considerations into all public sector activity, allowing such issues to be addressed more effectively and efficiently through community planning. However, it might be impractical to assign specific actions, given the range of functions and diversity of circumstances that public sector bodies work in. The public sector should take up its role as a leader and promoter of good practice through its actions and policies. It would be reasonable to have a duty to take due cognisance of climate change in relation to public sector operations, similar to the public sector duty in the Water Environment and Water Services Act.</p> |
| <p>24. What should such a duty (or duties) include?</p> | <p>There should be a general duty to consider climate change mitigation and adaptation in policies, decision making and service delivery . Supporting guidance should expand on the content of the legislation and promote good practice.</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>Statutory guidance on climate change and other environmental measures would be welcomed, particularly if such public sector duties are included in the Bill. However, our understanding of climate change, particularly its impacts on Scotland, is still incomplete, so there is a need for the Scottish Government to continue to support research and disseminate its findings. This uncertain science means that any guidance might quickly become out of date, and could therefore hold back innovation. Climate change affects all public sector activity in Scotland, but it is considered that at present the consequences of climate change are not being effectively considered across the whole legislative framework. This is being addressed through new planning guidance, the promotion of a new Flooding Bill and work on building standards, but a review of other legislation is needed in order to bring forward guidance to help the public sector deliver meaningful climate change measures.</p> |

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| <p>26. What should this guidance include?</p> | <p>Guidance should cover mitigation and adaptation issues, including best-practice case studies. Adaptation should not focus solely on environmental impacts: there is a need to include the likely health impacts of climate change and extreme weather events, and the need to move towards a low-carbon economy. Specific issues could include: habitat loss and change, protected species, fuel poverty, water resources, agriculture and forestry practices, catchment planning linked to flood risk, extreme weather impacts, sustainable building design, waste minimisation, pre-emptive adaptation to health impacts and protection of national infrastructure. There is a lack of detailed knowledge and expertise in both the public and private sectors, so there is need for investment in training and capacity building in order to make this Bill effective. A national training programme should be established to build knowledge and expertise in climate change adaptation and mitigation issues, and funding should be given to local authorities to develop their own local capacity to address these issues.</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>Formal reporting is necessary to ensure that all public sector bodies (not just local authorities) are accountable for tackling climate change; however, this requirement should not become a burden. It is suggested that reporting should tie in with the requirement to report on Scotland's Climate Change Declaration, and that the Declaration should be extended to the wider public sector. Reporting could include actions, effects, benefits and targets, and issues such as carbon management, direct and indirect emissions, travel planning and policy development.</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>The duty to contribute to the achievement of sustainable development should remain, and climate change mitigation and adaptation should be explicitly included as part of this. The guidance can encourage and support innovation, and can be amended quickly in reaction to and changes in scientific understanding of climate change. The Best</p> |

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| | <p>Value guidance should clearly define the climate change issues to be addressed and not just refer to carbon reduction or avoidance on its own.</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>There is a need for variable charging to incentivise action, but the Scottish Government should provide leadership on this. Such charging regimes could include parking, waste collection, public transport and lower VAT rates on products and services which will help reduce our greenhouse gas emissions. Although it is not a legal requirement, the Sullivan Report’s recommendation that a reduced or zero warrant fee should be introduced for buildings that are designed to future energy standards is a matter of concern. Although it would provide an incentive for developers to reduce their climate change impact, the potential loss of income for local authorities might lead them to discourage such development, unless they were to receive compensation from an external source.</p> |
| <p><i>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?</i></p> | <p>We welcome the commitment to prepare a Climate Change Adaptation Strategy; this should contain provision for guidance and capacity building on adaptation in the public sector. It should also be supported by adequate resources to enable its implementation. Maintenance and protection of peaty soils should be a priority; furthermore the role of forestry in carbon sequestration should be promoted to increase forest cover in Scotland. There should be measures to deal with surface water run-off, with legislation to encourage the use of porous roadways and driveways. There should also be the promotion of rainwater harvesting in all developments, and grey water systems where appropriate. The Government should encourage research in to these issues and give consideration to providing financial support for the retro fitting of rainwater harvesting, similar to the support given for micro renewable initiatives.</p> |
| <p>31. Should provisions within the Environmental Assessment (Scotland) Act</p> | <p>The SEA legislation already requires the consideration of “climatic factors.” The</p> |

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| <p>2005, be amended in order to provide clearer links with emissions reduction? If so, how should this be done?</p> | <p>guidance, particularly the SEA Tool Kit, needs to be updated to ensure that responsible authorities understand the importance of embedding climate change adaptation and mitigation in all their plans, programmes and strategies.</p> |
| <p><i>32. What are the equalities implications of the measures in the proposals for the Scottish Climate Change Bill?</i></p> | <p>There is a concern that using price mechanisms in relation to energy consumption and transport can have a substantial impact on the less well-off. There is therefore a need for the Government to support programmes that assist this section of society with public transport support, insulation, micro-renewables, district heating schemes and water poverty. Some sectors of society are likely to be more greatly affected by the impacts of climate change, such as people who are vulnerable to ill health, and those whose homes are at risk of flooding. It is important to ensure that environmental justice is at the heart of climate change mitigation and adaptation.</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>There is a need to amend the existing classification of composting material produced from mixed sources, in order to avoid material that is fit for purpose being consigned to landfill. This change would bring Scotland in line with the rest of the UK and the EU, and would result in a reduction of greenhouse gas emissions and unnecessary use of landfill capacity. The impact of waste should be considered at the early stages of planning: Waste Management Plans should be required with planning applications; and waste collection, treatment and disposal routes should be required to be included in planning applications and taken as material considerations, in a similar way that sewerage matters, water supply and other infrastructure matters are assessed.</p> |

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