

PROPOSALS FOR A SCOTTISH CLIMATE CHANGE BILL**DUMFRIES AND GALLOWAY COUNCIL****RESPONSE TO QUESTIONS POSED IN CLIMATE CHANGE CONSULTATION DOCUMENT****SECTION: TARGETS****Q1 Should a Scottish target be based on carbon dioxide only or the basket of six greenhouse gases?****Answer 1.**

The Scottish target should be based on the basket of six greenhouse gases. Information on the six gases is readily available in national emissions inventories, and the most comprehensive scope of greenhouse gases should be used to form the national Scottish target.

The Scottish Government should translate the basket of six greenhouse gases into a CO₂ equivalent (CO₂e) figure, which will be more easily understood by local authority members and officers, the public and the media. A CO₂e figure would also help encourage public understanding, engagement and action on climate change mitigation.

Q2 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?**Answer 2.**

The Bill should include provisions to alter which gases are included. However, alteration should only be made if independent scientific consensus requires this and if it is recommended by a highly respected body, such as the Intergovernmental Panel on Climate Change.

Q3 The Scottish Government wished 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?**Answer 3.**

While it is understood why source (direct production) emissions are likely to form the measure for the national target, an approach that accounts for and reports on end-user emissions (both direct and indirect) would be supported. This would give scope for important policy interventions to address consumption impacts and responsibilities. End-user information will be

important in stimulating and guiding work on energy efficiency and renewable energy.

Q4 Do you agree that the Bill should allow the means of measuring the targets to be changed through secondary legislation to reflect international developments or unforeseen consequences of the Bill?

Answer 4.

It would be sensible to ensure that the Bill allows for secondary legislation options for amending how the national target is measured. Any amendment should be based on sound, independent advice. This capacity would also allow a consumption-based emissions indicator to be adopted as a national target in the future.

Q5 Should the emissions reduction target take account of the abatement effort made by companies under emissions trading scheme? If so, how?

Answer 5.

In principle the emissions target should take account of the abatement effort made by companies under emissions trading schemes, in order that Scotland measures actual emissions. Expert knowledge will be required to determine the practical implications of this approach.

Q6 Do you agree that international credits should be counted towards Scottish targets? Should there be limits on credits counted towards Scottish targets?

Answer 6

Credits that count toward the Scottish target should be limited and that their use should be regarded as a 'measure of last resort', with emissions avoidance and emissions reduction given priority. The Scottish Government and local authorities should undertake further work into the potential of this proposal.

Q7 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 targets be limited to an increase in the target?

Answer 7.

The Bill should allow the level of the 2050 target to be changed through secondary legislation, but this should only be done on expert independent advice. Any revision of the 2050 target must be based on sound science and the Scottish Government would need to provide a clear, public explanation of

why a revision needed to be made. Any revision would need to be subject to due process through Parliament.

SECTION: SUPPORTING FRAMEWORK

Q8 What factors should be taken into account when setting the level of budgets?

Answer 8.

Budgets must be set in order to limit cumulative emissions, seeking to avoid the widely recognised 'dangerous climate change' limit of 2 degrees centigrade rise in global temperatures. There should be a clear emphasis on setting ambitious targets for the early years of the Bill's introduction to ensure clear communication of its aims.

Budgets should be aligned to sound climate change science and well-respected scenario models, and budgets should be set in order to avoid 'dangerous' climate change. Budgets should not set in line with what is simply regarded as politically achievable or acceptable.

Q9 How long should interim budget periods be?

Answer 9.

5 years appears to be a reasonable timeframe for interim budget periods, primarily to give medium-term stability and in order to cross electoral cycles. Within the scope of a budget period, annual targets could be set. Annual targets should seek to maintain progress on the trajectory set within the overall budget, and in line with sound science relating to cutting cumulative emissions.

Q10 How many years in advance should emissions budget periods be set in order to provide sufficient time to develop infrastructure?

Answer 10.

With consideration to land-use planning and infrastructure development timescales in particular, as well as an appreciation of the timescales involved in effecting widespread public behaviour change, possibly a minimum of three budgets should be set, thereby giving a minimum 15 year planning horizon.

Q11 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?

Answer 11.

Once again emphasis should be placed on the benefit of early action and the need to balance budgets based on the overall objective of cutting actual cumulative emissions. However, if Scotland faces a budget 'over-spend', the Bill should require the Scottish Government to provide a commensurate policy response designed to enable improved emissions savings within the early period of the subsequent budget.

A cap could be placed on emissions that can be banked or borrowed from previous or future budget periods. Banking and borrowing, if regulated and capped, could be useful, especially if cold weather or other unforeseen anomalies inhibit emissions reductions in a given year. Sanctions and incentives for meeting budgets need to be identified and utilized effectively.

Q12 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?

Answer 12.

Point targets should be used to stimulate decisive early action, to maintain political and economic momentum, and to aid public understanding, commitment and action (for instance, it is simply easier to respond to an early date than to 2050). Point targets should be informed by and in-line with budgets and profile, seeking to cut cumulative emissions to avoid dangerous climate change. There would be value in linking an interim target to timescales embedded in the UK Climate Change Bill, i.e. 2020.

Annual targets should be set in line with budget profiles, and that the Scottish Government should be held to account via a robust Parliamentary process on an annual basis. Overall, the point targets should be made as near-term as possible, to help stimulate and support early action and rigorous political *accountability*.

Sectoral and area targets would also be supported (for example, local authority areas, the public sector, transport, waste) in order to better understand, monitor and account for reductions.

REPORTING SCRUTINY AND FRAMEWORK

Q13 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?

Answer 13.

The Bill should require reporting on progress on adapting to climate change. Reporting on climate change adaptation actions would also be in-keeping with local authority commitments in Scotland's Climate Change Declaration.

In addition, reporting should include explanation of the impact of the Scottish Government's policy interventions and plans for cutting emissions in the next budget period.

Q14 Is a process of Parliamentary scrutiny the appropriate way of holding the Scottish Government to account if targets or budgets are not met?

Answer 14.

Parliamentary scrutiny is the appropriate mechanism for holding the Government to account on targets and budgets. However, this process must be informed by detailed analysis, involving scientific, scrutiny, policy and regulatory bodies. Good quality scrutiny is essential and this needs to include data analysts, policy analysts, and scrutiny and regulatory bodies. There is a very serious issue of skills and resources required to ensure that this collection of analysts can work collectively to provide scrutiny and advice to the government.

Q15 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.

Answer 15.

It would be appropriate for the UK Climate Change Committee to be the prime source of advice to the Scottish Government, with possibility of developing a Scottish Climate Change Committee if distinct, unmet requirements arise within the period of the first budget. A Scottish Climate Change Committee could, for example, ensure that consumption/footprint matters related to Scotland are effectively addressed.

Q16 If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

Answer 16.

The Sustainable Development Commission (SDC) could play a critical role, working in partnership with key stakeholders and specialists. However, SDC Scotland's capacity on climate change would have to expand if it were to take on any new responsibilities in this area.

Q17 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?

Answer 17.

Answered as Question 16.

Q18 If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

Answer 18.

Answered as Question 16.

Q19 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?

Answer 19.

See answer 20 below.

Q20 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.

Answer 20.

Robust Parliamentary scrutiny is the most appropriate approach, while recognising that the UK Climate Change Committee and any Scottish Climate Change Committee would have to be openly and actively involved in the parliamentary process.

Q21 If it were to be an existing Scottish public body, which public body is most suited to carry out this task and why?

Answer 21.

No further response.

Q22 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?

Answer 22.

In its work with local authorities the Sustainable Scotland Network seeks to progress support in six key areas. The Scottish Local Authority Climate Change Programme agenda seeks to address six factors, Leadership, Legislation, Support Programmes, Culture Change, Scrutiny, and Resources with Scotland's Climate Change Declaration primarily securing local political and corporate leadership

The Scottish Government, in partnership with local government, should support work to address these six 'performance improvement' factors within the overall framework of the Scottish Climate Change Bill. Essentially, the Bill should give climate change action in Scotland a sound legislative footing, and this will need to be supported with action on leadership, support programmes, culture change, scrutiny and resources, especially within the public sector. Critical here will be strengthening capacity building and training on climate change issues for public sector staff and elected members, so that public sector 'climate change literacy' is improved. Likewise, linking carbon budgeting with public sector/local authority financial budgeting will be critically important.

The Scottish Climate Change Bill provides a unique opportunity to recognize the importance of these wider support priorities and to factor them formally into the framework of the Bill.

Q23 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?

SUPPORTING MEASURES

Answer 23.

The Bill should contain enabling powers to introduce a duty on public sector bodies, notably local authorities and their Community Planning Partners. Benefits could accrue from such a climate change specific duty, notably in creating a level-playing field for all local authorities/public bodies on climate change mitigation (and adaptation) responsibilities.

A duty would provide an important opportunity to ensure that the commitments in Scotland's Climate Change Declaration are embedded in legislation. The Declaration is regarded as critically important, as it already has formal support from all 32 local authorities, both politically and corporately. The Scottish Climate Change Bill should be used to place more emphasis on the Declaration and the commitments therein.

The objectives of a climate change duty could be best achieved by strengthening and re-focusing the existing Best Value and Community Planning legislation, wherein local authorities are required to discharge their Best Value and Community Planning duties in "a way which contributes to the achievement of sustainable development". Achieving the objectives of a climate change duty through this approach would require improved, climate change-focused Best Value (and also Strategic Environmental Assessment) statutory guidance.

However, some critical questions remain outstanding, for example:

- Who would monitor a climate change duty?
- Clarity is needed on how a climate change duty would link to SOAs and the SOA scrutiny and accountability regimes?
- How would the contributions of local authorities to emissions reductions and adaptation measures be aggregated and how would associated sector/area targets and resourcing be negotiated?

Q24 What should such a duty (or duties) include?

Answer 24.

It should be a duty to reduce greenhouse gas emissions from within local authority areas (including from a council's own estate and operations) and to report on climate change activities and outcomes (i.e. greenhouse gas emissions). Consistent emissions profiles could be established based on the Carbon Trust's Local Authority Carbon Management Programme (for local authorities' own emissions).

More broadly, a duty on local authorities could be structured to embed in legislation the commitments in Scotland's Climate Change Declaration, which all Scottish local authorities have signed up to support.

The duty could include:

- A duty to reduce the local authority's own-estate emissions, over which the local authority has direct control.
- A duty to measure, monitor and report area-wide emissions.
- A duty to collaborate with others (especially Community Planning Partnerships) to contribute to the reduction of area-wide emissions.

Q25 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? Area there gaps in any existing guidance?

Answer 25.

More and improved Statutory Guidance on climate change would be welcomed. Therefore, the Scottish Climate Change Bill should contain enabling powers to introduce statutory guidance for local authorities and other public bodies.

Statutory guidance should stress the impact on 'public perception' that leadership and consistent action by the public sector, and local authorities in particular, can have. The guidance needs to encourage public bodies to 'walk the talk' on climate change, and guidance is needed to ensure that local authorities take well-informed steps forward, and in a coordinated, cross-service manner.

Q26 What should this guidance include?**Answer 26.**

SSN members have identified a range of issues that guidance could address.

Local authorities will require robust guidance on the use of consistent emissions measures, and guidance on how local authority emissions indicators or target link with the national Scottish target, as well as the Government's national performance framework, national outcomes and Single Outcome Agreements.

There is also a need for statutory guidance relating to all key local authority functions, including:

- transport and transport planning
- building standards and low-carbon development of the public sector estate
- waste management and zero waste objectives
- planning and the National Planning Framework
- procurement (including asset management and disposal)
- Development and improvement of public sector buildings will be critical in delivering on climate change objectives. Therefore, statutory guidance on standards expected within the public estate, addressing new and existing buildings, will be vital.

Guidance on the standard reporting of emissions will be vital, to ensure consistency across local authorities and the public sector. Reporting should be based on well-respected methodologies, data sets and tools.

Guidance would also be welcomed on constructing and managing local authority carbon budgets, including budgets for local authorities' estates and the local authority area.

The Scottish Government experience of 'internal carbon budgeting' should be shared and issued as guidance.

The issue of developing local authority/public sector 'climate change literacy', through investment in training and capacity building is regarded as critically important. There is a need to develop standardised professional and decision-making methods to address climate change. This should involve officers and elected members.

Making the links and relationships between carbon budgets and financial budgets clear and real will also be vital. This could be addressed through guidance and by developing work related to the 'Shadow Price of Carbon' (as developed by the UK Government).

Q27 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?

Answer 27.

Formal reporting requirements would be strongly encouraged.

The reporting requirement could be based on the existing (voluntary) reporting system that has been developed through Scotland's Climate Change Declaration. The Declaration is already well understood and well supported (with voluntary support from all 32 local authorities secured). Formalisation of the Declaration would help realise its potential within the context of the Climate Change Bill.

To enhance its value, the Declaration should be:

- Extended to the wider public sector (to ensure parallel reporting mechanisms, aims etc). There was uncertainty about the use of the term 'certain public sector bodies', and a suggestion that this be replaced with 'all public sector bodies'.
- Made more robust through a greater emphasis on hard data.
- Requiring reporting on GHG emissions reductions on both Council's own estates and area-wide emissions. While the complexity of reporting on (and directly impacting) the latter is acknowledged, the role of the Bill in pushing this agenda forward is to be welcomed. Reporting on a Council's own emissions alone is not commensurate with the targets to be established through the Bill
- Reporting on consumption data as well as direct source emissions is necessary to provide Government, local authorities and communities with an accurate record on local government progress.
- Requiring reporting on processes toward achieving GHG emissions reductions as well as actual emissions reductions would be useful. This could consist of a council-wide checklist to ensure monitoring of cross-service delivery of GHG emissions reductions and improved adaptive capacity.

There is an emphasis within Scotland's Climate Change Declaration for local authorities to work with others in the community and collaborate with other organisations. An agreed mechanism would be welcomed through which Community Planning Partners can sign Declaration 'supporting statements'.

Obviously any new reporting requirement will create capacity issues in local government, particularly in regard to monitoring and influencing area-wide emissions (through planning, transport, housing etc). Cross-service training for local authority officers will be essential, akin to that currently being provided by the Local Footprints Project, the Carbon Trust and the Energy

Saving Trust, and appropriate resources would have to be made available by the Scottish Government.

Q28 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?

Answer 28.

The Best Value guidance, particularly on “A contribution to Sustainable Development”, would appear sufficient and flexible enough to allow appropriate responses. It makes it quite clear that our decisions and actions should consider the social, economic and environmental well-being both in the short and long term.

The cross-cutting emphasis on sustainable development should be supported, that has been established through the Local Government in Scotland Act 2003. Sustainable Development should remain as a duty, and climate change activity toward both mitigation and adaptation should be emphasised beneath this. The Local Government in Scotland Act should be emphasised as a mechanism for establishing climate change as a corporate concern, which needs attention across all services and competencies.

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

If the current Best Value guidance is strengthened to address climate change more directly it should be done in very specific, service-focused, ways.

There is uncertainty as to the relationship between SOAs, the Best Value regime, new duties and new reporting requirements, therefore, clarity and simplicity in the reporting hierarchy, and a clear explanation of their interaction is requested.

Q29 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?

Answer 29.

Enabling variable charging would allow both national government and local authorities to determine which charges (and incentives) are necessary to help meet budgets and targets. There is a lack of expert knowledge to determine whether existing legislation or enabling powers need amending in order to secure this power.

Variable charging would allow flexibility for the different contexts (e.g. rural or urban) that each authority finds itself. The Scottish Government will need to provide leadership here, and may need to set national charges to 'level the field' and take the pressure off local politics.

Q30 Are there any provisions to help Scotland adapt to the impacts of climate change which should be included in the Scottish Climate Change Bill?

Answer 30.

A climate change adaptation indicator could be reported. The indicator should focus on reporting 'due process' that demonstrates that local authorities and Community Planning Partnerships are taking adequate responsibility for the adaptation agenda.

Q31 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?

Answer 31.

The Environmental Assessment (Scotland) Act 2005 should provide clear links to GHG emissions reductions.

Impact on 'climatic factors' can trigger an SEA, but this trigger does not explicitly include GHG. Therefore, Council policies that may impact GHG are not necessarily considered in the SEA process. Changing the Act's provisions would allow the Scottish Government to define what is considered to be a 'significant level' of GHG emissions to trigger an SEA.

There could also be a regulatory role for SEPA, as a consultation body, to scrutinise the GHG impacts in the SEAs. Likewise, there may be a similar role for SHN with regards to soil emissions impacts.

Q32 What are the equalities implications of the measures in the proposals for the Scottish Climate Change Bill?

Answer 32.

Any 'green' taxes on fuel could have an adverse effect on those living on a low income and measures must be taken to prevent this happening. An Equality Impact Assessment should highlight most of the equality impacts of the Bill, for example, insurance/blight implications of properties in danger of flooding.

Q33 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?

Answer 33.

No answer is offered to this question.

CONCLUDING REMARKS

29. This consultation paper sets out the proposed framework for a Scottish Climate Change Bill. We would welcome any comments on the content of the proposals. Details of how to respond are set out at the front of the consultation paper.