

## EAST AYRSHIRE COUNCIL

### DEPARTMENT OF NEIGHBOURHOOD SERVICES

#### RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON PROPOSALS FOR A SCOTTISH CLIMATE CHANGE BILL

#### TARGETS

**Q1. Should a Scottish target be based on carbon dioxide only or the basket of six greenhouse gases?**

All six greenhouse gases, namely carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC's), perfluorocarbons (PFC's ) and sulphur hexafluoride (SF<sub>6</sub>) are included in international agreements and the emissions of these gases are recognised as being caused by human activities. It is therefore considered appropriate to establish a target based on the basket of the six greenhouse gases. As information on all six gases is available from national emissions inventories, this ensures the target is rigorous and comprehensive.

**Q2. Should the Bill contain provision 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?**

The Bill should include provision to alter which gases are included if scientific developments merit such variation. However, any amendments should be subject to independent scrutiny and recommendation, and be endorsed by an accredited body such as the Intergovernmental Panel on Climate Change (IPCC), or the independent body to be incorporated through the UK Climate Change Bill.

**Q3. 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 target should take cognisance of both source emissions (production – direct emissions) and an end user inventory (consumption - direct and indirect emissions) where users are based within Scotland. Further we recognise that whilst there is a role for incentives to encourage and foster a commitment to energy efficiency production and renewables usage, this has to be balanced with industry potential to fulfil demand and simultaneously reduce emissions.

**Q4. 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?**

It would be prudent to ensure that the Bill contains the flexibility to introduce secondary measures as required, subject to independent scrutiny and recommendation, and be endorsed by an accredited body such as the IPCC or the independent body to be incorporated through the UK Climate Change Bill.

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

Whilst it is reasonable to conclude that individual abatement effort should be recognised, East Ayrshire Council cannot comment on the practical implications of adopting such an approach.

**Q6. Do you agree that international credits should be counted towards Scottish targets? Should there be a limit on credits counted towards Scottish targets?**

The document indicates that the Scottish Government are supportive of the use of international credits, with any use of such credits being in line with the international principle of “supplementary” as established under the Kyoto Protocol. Adopting this approach ensures that the primary focus remains on emissions from Scotland and that international credits should account for a minority of emissions reductions. East Ayrshire Council would be supportive of this approach. Further, the amount of international credits which could be used against the target should be limited to ensure that emissions reduction and emissions avoidance is key.

**Q7. Should the Bill allow the level of 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?**

East Ayrshire Council would support the provision to alter the target, subject to independent scrutiny and recommendation, by the IPCC or equivalent expert advice such as the independent body to be incorporated through the UK Climate Change Bill.

## **SUPPORTING FRAMEWORK**

**Q8. What factors should be taken into account when setting the levels of budgets?**

East Ayrshire Council would advocate that the factors as outlined below are critical in establishing budget calculations namely:

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

Budgets must be created to limit cumulative emissions and be aligned to the factors outlined and not restricted to what is achievable or acceptable during parliamentary term.

**Q9. How long should interim budget periods be?**

A 5 year budgeting period is recommended for interim budgets as this will cross Scottish Parliamentary cycles and importantly takes cognisance of the 20 month delay in results from the Scottish Greenhouse Gas Inventory being available, thereby providing opportunity to design, implement, monitor and adapt policies if required within a budgeting period.

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

The rationale behind having longer term emissions budgets is to provide certainty for businesses and governments and to give them sufficient incentive time to invest and innovate. East Ayrshire Council would therefore recommend a minimum of three budgets be set, providing a planning framework of 15 years.

**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?**

East Ayrshire Council acknowledge that there will be occasion when banking and borrowing could provide flexibility to account for “unexpected spikes in emissions” such as an extended period of cold weather. Further, East Ayrshire Council would support the inclusion of a borrowing cap thereby ensuring that the focus of achieving emission reduction and emissions avoidance remains paramount in any budgeting period. Whilst we are unable to determine what the quantity or percentage of budget limitations can be borrowed, we would support a requirement in the Bill for the Government to provide a policy response designed to enable emissions savings within the subsequent budget period.

**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?**

As stated within the consultation paper, there is clear evidence over the next 10 – 15 years that action is required if dangerous climate change is to be avoided. UK and European climate change objectives contain targets for emission reductions to 2020. East Ayrshire Council would support the setting of interim targets in line with corresponding legislation. An interim target will ensure political and public focus is maintained and provides opportunity to design, implement, monitor and adapt policies and practice as required. The interim target should be the subject of rigorous and wide debate to ensure wide consensus of the validity of the target. An interim target will require to be informed by and in-line with budgets and trajectory, seeking to cut cumulative emissions. East Ayrshire Council would support linking an interim target to timescales embedded within the UK Climate Change Bill i.e. 2020.

## **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?**

All local authorities, as signatories to the Scottish Climate Change Declaration are required to publish an annual statement, detailing how the authority has employed its actions to both mitigate and adapt to climate change. The Bill would provide the opportunity for Scottish Government to report on the collated data annually.

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

East Ayrshire Council would support the view that Parliamentary scrutiny is the appropriate mechanism for holding the Scottish Government to account if targets and budgets are not met. Of key concern is the co-ordination and assessment of skills and resources required to fully inform the scrutiny process.

**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, and existing public body in Scotland, or the Scottish Government itself.**

In the short term, the Scottish Government should obtain advice from the proposed UK Committee on Climate Change, pending consideration/identification for the establishment of a dedicated Scottish Committee.

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

The Scottish Sustainable Development Commission (SDC) is considered the most appropriate Scottish public body. The remit of the body would require to be expanded to facilitate this increased role.

**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, an existing public body in Scotland, or the Scottish Government itself.**

As per Q15

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

As per Q16

**Q19. Should additional independent mechanism 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)?**

East Ayrshire Council would support the introduction of additional independent mechanisms to scrutinise the effectiveness of the Bill.

**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.**

Our response is as per Q16, with the added comment of subject to the development of a Scottish Committee on Climate Change.

**Q21. If it were to be an existing Scottish public body, which public body is most suited to carrying out the task? Why?**

Our comment as per Q20 applies.

**Q22. 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?**

East Ayrshire Council has no comment on this question.

## **SUPPORTING MEASURES**

**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?**

East Ayrshire Council would be supportive of the Bill containing enabling powers to introduce a duty on public sector organisations. From a local authority perspective, it is critical however, that any additional requirements be supported with the requisite financial and practical support measures. The Bill provides an opportunity to embed the commitments of the Scotland Climate Change declaration into formal legislation. Through the Concordat and Single Outcome Agreement framework, Scottish Government and local authorities can monitor and ensure local progress in achieving climate change targets. Consideration should also be given to enhancing the requirements of Best Value and Community Planning legislation which requires local authorities to discharge their duties in a manner which contributes to the achievement of sustainable development. Amending the Strategic Environmental Assessment framework will ensure that any duties are applicable to the development of local authority strategies, policies and plans.

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

The commitments contained within Scotland's Climate Change Declaration should provide the focus for any duties. Duty (duties) to focus on reducing greenhouse gas emissions within each local authority's area of operations; measure and monitoring progress; and embed emission reductions into the wider community planning processes.

**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? Are there gaps in any existing guidance?**

East Ayrshire Council would support the inclusion of enabling powers to introduce statutory guidance. Guidance would provide local authorities with the framework to progress climate change action in a co-ordinated manner. Statutory guidance is required to ensure that local authorities and other public bodies operate in a co-ordinated, cross-service manner. We do, also recognise that scope exists within the SEA framework to address climate change or other environmental measures.

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

East Ayrshire Council would welcome guidance on how local authority emission reduction targets or indicators link with the national Scottish target, as well as Single Outcome Agreements and performance management framework.

There is a requirement to link all policy initiatives and legislation which relates to climate change and climate change adaptation. Guidance and training is required to ensure a consistent and co-ordinated approach regarding climate change impact assessment and policy support.

**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?**

East Ayrshire Council would support the introduction of a formal reporting mechanism to facilitate regular measurement and reporting on local and national progress. As stated at Q23 we welcome the opportunity to formalise reporting requirements in line with Scotland's Climate Change Declaration.

**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?**

East Ayrshire Council concurs with the consultation paper that current Best Value requirements may not be a clear enough signal that public service organisations should embed climate change considerations in their policies. We therefore would agree that current guidance be amended to reflect how mitigation and adaptation activity both supports and complements the overarching requirements of local authorities to embed within their decision making processes, the sustainable development principles of social, economic and environmental considerations.

**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?**

East Ayrshire Council cannot comment on what amendments to existing legislation are required. The Council accepts that the introduction of a variable charging mechanism would provide greater flexibility to address local issues, such as variations between rural and urban circumstance. The Council acknowledges that the forthcoming Bill may make provision for such powers to be enabled at a later date.

**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?**

East Ayrshire Council would suggest that the framework adopted by the National Performance Framework for English Local Authorities be considered as a suitable reference – specifically NI 188 Adapting for Climate Change.

**Q31. Should provisions within Environmental Assessment (Scotland) Act 2005 be amended in order to provide clearer links with emissions reduction? If so, how should this be done?**

East Ayrshire Council would advise of no requirement to amend the Act. The Council however, would recommend that the SEA Toolkit and Guidance regarding “impact on climatic factors” be amended to provide a clear link between emission reductions and the requirement to engage in the SEA process.

**Q32. What are the equalities implications of the measures on the proposals for the Scottish Climate Change Bill?**

East Ayrshire Council has no comment on this question.

**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?**

East Ayrshire Council has no comment on this question.