

Climate Change Bill - Consultation Questions Response from East Lothian Council April 2008

For context see S Govt web site :

<http://www.scotland.gov.uk/Publications/2008/01/28100005/0>

TARGETS

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

A mix of gases based on carbon equivalents.

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?

Yes, providing any changes can be linked back to baseline data expressed as carbon equivalents and is supported by international agreement.

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 would not seem appropriate to use individual targets given that the Scottish Government does not have access to all of the necessary policy and financial levers, there is a risk of falling short of statutory targets expressed in terms of energy efficiency or renewable electricity. An end-user inventory is a measure of electricity and fuel consumed within Scotland and would reflect reductions in energy demand. Overall, an end user inventory with a separate target for increased renewable electricity is preferred as this would also provide the incentive to invest in energy efficiency and renewable energy. The end-user inventory would still count emissions from other products that are exported,

such as whisky, food products, chemicals and office machinery, which would provide accurate figures.

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?

Yes, the Bill should be sufficiently flexible to adapt to international developments or unforeseen consequences of the Bill.

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

The emissions reduction target should not take account of the abatement effort made by companies under emissions trading scheme, as it does not fundamentally reduce global CO2 emissions. The target should be a true reflection on emission reductions across all sectors; the trading schemes merely mask the actual figures.

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

Although International credits can help reduce emissions they should not be counted towards a Scottish target, separate reporting of this would be better; this would reflect actual Scottish emission reduction figures. If this aspect is included it should have a limit, with limits agreed nationally.

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?

Yes, the Bill should allow the 2050 target to be changed through secondary legislation but only if independent, expert advice, reflecting international developments or unforeseen consequences of the Bill requires such changes.

Such changes to the target should be limited to an increase in the target and not a reduction of the target.

SUPPORTING FRAMEWORK

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

The factors that should be taken into account when setting the level of budgets are: likely economic growth; likely population growth; technological progression; social impact; environmental impact; impact on economy and competitiveness of businesses; international circumstances; and scientific knowledge of climate change. We recognise the impact of international aviation and shipping, and the difficulty in including them in a target and budget setting, but the Bill should address these issues.

9. How long should interim budget periods be?

5 year budget periods with an annual review. This would be long enough to evaluate whether we are on target and would align itself with UK Climate change Bill periods, which would create greater transparency.

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

1-2 years – this should tie in with annual reviews.

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 issue of banking and borrowing will make the framework unnecessary flexible and open to ‘fudging figures’, which could lead to transparency issues from one administration to the next. The issue of borrowing is especially open to problems as the idea is to correct borrowing in the following budget period. This could lead to political issues with any change in government. Annual reviews would mitigate the need for banking and borrowing.

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?

Setting interim targets at 5 yearly intervals, together with reporting against targets is important to ensuring progress is being made towards 2050. Levels should be made on basis of known science/ technology/ behavioural change to deliver.

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?

Scottish Ministers should collect data on issues that are set out (Forecast emissions; an assessment of the effectiveness (measured or projected) of current and/or planned policies; a measure of the energy efficiency of domestic and non-domestic buildings in the public and private sectors; the capacity of Scotland's renewable energy sector; emissions produced by the Scottish element of international aviation and shipping; and a measure of energy/ carbon consumption in Scotland such as carbon footprint) – should be reported with other factors to establish a clear picture. Advice could be sought from the UK Committee on Climate Change as to how often these 'other' issues should be reported, but should fit in with target and budget setting framework.

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, but that also needs to be backed up by public awareness raising to ensure that the public is fully behind the targets, and the measures to meet them. Political scrutiny will only have meaning if it has the weight of public opinion behind it.

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.

There is a wariness about inventing and paying for something new, actions are needed not more new bodies. At the same time any advisory body should be “arms length” from Scottish Government.

The primary source of advice to the Scottish government should be the new UK Committee on Climate Change, with an evaluation of its effectiveness after 3 years. It is most appropriate to use this source as it will comprise of leading experts from all sectors and will provide a consistent approach throughout the UK, this will aid the sharing of best practice. Using existing public bodies might prove problematic as they may not have sufficient skills, knowledge and expertise, and there would be the issue of resourcing and pressure on already stretched NGOs. Creating a new public body would be resource intensive.

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

If the Scottish government were to use an existing public body they could possibly use SEPA to provide hard detail to inform with facts, and utilise the Sustainable Development Commission to understand the impact on the framework. It might be the case that a number of public bodies would need to work jointly to have enough skills and expertise to scrutinise effectively – again this underpins the value in using the UK Committee on Climate Change with a review of effectiveness after 3 years.

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.

See answer to question 15 &16.

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

Possibly SEPA which already has expertise in regulating and monitoring emission data, but would need additional capacity/ resource to take on this role.

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)?

The UK Committee on Climate Change would be able to fulfil this scrutiny role and its effectiveness could be independently reviewed after 3 years.

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.

See answer to question 19.

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

See answer to question 19.

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?

See answer to question 19.

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, although progress on meeting targets will be measured through outcome agreements etc, these are a combination of voluntary indicators and none are mandatory, this is also a new process, and if for any reason it does not produce results, the Bill should contain appropriate enabling powers to introduce a duty and for Government to intervene.

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

The duty should include: a standardised approach to report estate and area wide emissions; a plan to explain how they will reduce emissions with targets that must be reported on; and a duty to work with partners to have a joint approach to cut emissions.

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?

The Bill should contain enabling powers to introduce statutory guidance for certain public bodies. This would ensure they are all clear on what is required. Joined-up guidance and approach to ensure all policies / strategies compliment rather than contradict.

26. What should this guidance include?

Guidance should include:

Carbon counting = production and consumption

Target setting and attainment

Procurement

Land planning

Adaptation measures

Investment and planning

Risk

Transport

Waste

Climate Change tools = all tools with explanations

Agriculture

Reporting 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?

Yes, requirement to report annually on progress made, similar to the Scottish Climate Change declaration. Without enabling powers to record progress Scotland cannot monitor and therefore cannot manage progress.

There should be a standardised approach to reporting using real hard figures – one reporting requirement could be used to cover the Climate Change declaration and a new duty, including own estate and area wide emissions.

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?

Although Sustainability is a clear requirement of best value this could be strengthened, and also include the addition of Climate Change. Audit Scotland and specific auditors would need to have further training to fully comprehend all the issues and the auditing of emissions.

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?

Creating enabling powers for local authorities for variable charging would create flexibility for individual local authorities to choose how to proceed. This may aid local authorities to meet emission reductions.

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?

There should be a provision for monitoring and reporting on adaptation measures.

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 Scottish Government SEA toolkit guidance could be amended to provide clearer links on emission reductions. There needs to be greater scrutiny of what plans are and are not going through a SEA, there seems to be a lack of consistency at the moment.

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

Although the proposed Equalities Impact Assessment will identify all equalities implications during the final policy development stage of the Bill, consideration should be given to adverse effects caused from potential transport charging and the disabled, and 'green taxes' on fuel / car use and those on low income and incapacity benefits.

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 Scottish Government should ensure that all its policies complement and aid appropriate action towards climate change and ensure that policies and strategies are not contradictory e.g. climate change with national planning, transport strategies, and waste strategies.