



## UK Climate Change Bill

### Legislative Consent Motion

**RSPB Scotland supports the principle of introducing for the UK as a whole, statutory targets and a framework for action to mitigate climate change and to deal with the impacts. We also support the Legislative Consent Motion.**

RSPB Scotland believes that it is vitally important that the UK and Scotland set an example to the world in helping tackle climate change by making deep and sustained cuts in greenhouse gas emissions. With others in the Stop Climate Chaos Scotland<sup>1</sup> coalition, we have called for an 80% cut in emissions by 2050.

The world is already committed to a certain amount of climate change as a result of past emissions and there is increasing evidence about the likely impacts of this on the natural environment and the world's poorest people. It is necessary therefore to follow a twin track approach of:

- **Mitigation:** Reducing emissions to prevent global climate temperature rising more than 2°C (beyond which, scientists suggest the impacts could be catastrophic); and
- **Adaptation:** A plan of action to deal with the inevitable impacts of climate change within the 2°C rise.

The proposal for climate change legislation at both UK and Scottish levels to plan our approach is very welcome. RSPB Scotland supports the Scottish Government's commitment to introduce mandatory targets of cutting greenhouse gas emissions by at least 80% by 2050.

We are addressing the impacts of global warming in order to protect our environment for future generations. It is therefore vital that any steps we take to either mitigate or adapt to climate change are done so in ways which do not damage our environment or wildlife.

Scotland can deliver renewable energy targets without damaging important wildlife sites. To ensure developments are delivered in a sustainable and effective manner, renewable energy must be managed within a strategic framework.

Biodiversity conservation and enhancement can help the fight against climate change (e.g. peatland restoration, native woodland conservation), and help adaptation (e.g. tackling flooding through greater use of natural wetland systems and coastal realignment helps the natural environment *and* provides a sustainable flood solution). **Climate legislation should therefore enshrine the principles of sustainable development and biodiversity conservation.**

#### The UK Bill

Within the UK Bill, RSPB Scotland would like to see:

- **An 80% reduction target by 2050.<sup>2</sup>**

It is both practical and affordable to achieve an 80% cut across the UK, with international aviation and shipping emissions included. Growth in the UK economy would reach the same level only two years later if the more ambitious target were adopted. There is no evidence base to support a delay in changing the target now.

If the UK Climate Change Bill target is lower than that in Scotland's then the TICC Committee may wish to consider that the extra progress made in Scotland should be **additional** to the UK delivery of its target rather than enabling reduced effort across the UK.

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<sup>1</sup> [www.stopclimatechaosscotland.com](http://www.stopclimatechaosscotland.com)

<sup>2</sup> Research by IPPR, RSPB and WWF, used the models underpinning the 2007 Energy White Paper and the Stern Review to demonstrate that is both practical and affordable to achieve an 80% cut, with international aviation and shipping emissions included. [http://www.rspb.org.uk/Images/report\\_tcm9-176645.pdf](http://www.rspb.org.uk/Images/report_tcm9-176645.pdf)

- **Environmental safeguards to ensure mitigation and adaptation solutions which help conserve and enhance species, habitats and ecosystems; and a framework for adaptation action to deal with impacts on biodiversity.**<sup>3</sup>

#### Environmental safeguards

RSPB Scotland believes that the UK Bill should ensure that the way we design policies to mitigate and adapt to climate change helps to avoid further harm to wildlife and ecosystems. There is a danger that without this safeguard, carbon solutions will be pursued at any cost to the environment.

#### Sustainable Adaptation

The UK Bill proposes measures to monitor the impacts of climate change and a framework of action to deal with the consequences (Part 4, s49). We welcome these measures and the commitment to adapt in a sustainable manner (s49(2)). We would like to see sustainable development defined in the UK Bill with confirmation that natural ecosystems and biodiversity objectives will be fully addressed in any adaptation measures.

- **Aviation and shipping to be included in carbon budgets on the face of the Bill.**

Reporting on emissions from these sectors separately and at a later stage is not enough. Without a curb on future aviation emissions, it is widely recognized that it will be extraordinarily difficult to force the savings from the rest of the economy needed to meet our targets. To understand and manage this problem, we must reckon for these emissions in our overall planning now.

- **Committee on Climate Change**

#### Committee to consider best environmental options

RSPB Scotland believes there should be a requirement on the Committee for Climate Change to recommend the most environmentally sensitive route for achieving carbon reduction targets (s27). Scotland, as well as England and Wales, is subject to a statutory biodiversity duty and therefore the Committee on Climate Change should be capable of considering such environmental obligations when providing its advice.

#### Committee to have environmental expertise

Schedule 1 of the UK Bill sets out the required membership of the Committee on Climate Change. Sch 1, s1 (3) describes the necessary experience those members should bring to the Committee. The TICC Committee may wish to question why no environmental expertise, or experience of the environmental impacts of climate change, for instance in relation to land use, is considered necessary as part of the Committee on Climate Change.

#### Committee to engage effectively with devolved administrations

Part 2, s30 of the UK Bill sets out a duty on the Committee on Climate Change to provide advice or other assistance to the national authorities. The TICC Committee may wish to consider whether stronger indications of fair allocation of time and resources to the national authorities should be explicit in the Bill.

- **Effective exercise of functions by devolved administrations**

Section 67(2) stipulates, "Functions conferred or imposed by this Act on the "national authorities" are to be exercised by all of them jointly". The TICC Committee may wish to seek clarification of this section – can national authorities act independently of each other if there is a disagreement between them.

- **Consultation arrangements between UK Secretary of State and Scotland**

Whilst there is extensive provision for consultation with the national authorities within the Bill, given it's powers over devolved responsibilities, it is important that consultation is made an explicit requirement throughout the Bill and pertaining to all aspects of the Bill. For instance, the UK Bill currently does not make provision for consulting Scottish Ministers over any s49 adaptation plans or reports of climate change impacts. RSPB Scotland believes a framework for adaptation methods is necessary and will be required, as habitats and species do not recognise national boundaries. We would suggest that Scottish Ministers are consulted on this in the same way as applies to mitigation measures, for instance s7(1)(b).

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<sup>3</sup> [http://www.rspb.org.uk/Images/climatechange20questions\\_tcm9-170121.pdf](http://www.rspb.org.uk/Images/climatechange20questions_tcm9-170121.pdf)

- **Annual Milestones**

RSPB Scotland would like to see firm measures in the UK Bill to enable a rigorous critique of government performance on an annual basis. The TICC Committee may wish to seek reassurances that annual reporting of the Committee on Climate Change will measure Government action against specific emissions milestones. We would also like the TICC Committee to consider whether greenhouse gas emission data could be processed more quickly to better inform monitoring.

### **The Legislative Consent Memorandum**

We would emphasise to the Committee that the UK Bill covers both mitigation and adaptation, but that the latter is not made explicit in the Legislative Consent Motion. Section 49 of the UK Bill provides for a framework for adaptation. We welcome the principle of a UK framework for adaptation, in a way that contributes to sustainable development (s49(2)). However these provisions must be enhanced within the UK Bill and preferably taken further within the Scottish Bill, not least to ensure Scotland meets its statutory biodiversity duty.

### **Renewable transport fuel obligation**

Whilst this is a reserved matter, it is important to recognise that Scottish Ministers will be responsible for the development and operation of processing plants in Scotland. The TICC Committee may wish to seek guarantees that measures are in place at a UK level to ensure that materials for processing, such as palm oil are sustainably sourced without harm to habitats such a tropical rainforest.

### **Scottish legislation**

We welcome the Scottish Government's commitment to:

- 80% reduction in Greenhouse Gas emissions target;
- Addressing Climate Change in ways which do not harm the environment;<sup>4</sup> and
- Dealing with impacts of global warming in ways which support biodiversity.<sup>5</sup>

RSPB Scotland supports a separate Scottish Climate Change Bill and looks forward to contributing to the consultation process in due course. Many aspects of mitigation and adaptation for climate change are devolved and can be delivered by a Scottish Bill. We would repeat however, that we welcome the framework for action provided by a UK wide Bill.

For further information please contact:

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<sup>4</sup> Research by RSPB and WWF Scotland shows that Scotland can reach our renewable energy provision targets without damaging important sites for wildlife *Weblink*. We applaud Scottish Ministers' continued recognition that "We do not, however, want renewable energy - whether it be onshore wind, tidal power or other developments - anywhere or at any price to the environment." (Jim Mather, Scottish Government News Release, 27/11/2007) <http://www.scotland.gov.uk/News/Releases/2007/11/27095600>

<sup>5</sup> Sustainable Flood Management offers a long term, sustainable solution to flooding in the face of changing climate and weather patterns. [http://www.rspb.org.uk/Images/flooding\\_tcm9-158604.pdf](http://www.rspb.org.uk/Images/flooding_tcm9-158604.pdf)