

WRITTEN SUBMISSION FROM ABERDEENSHIRE COUNCIL

Q1 The Bill creates a statutory framework for greenhouse gas emissions reductions in Scotland by setting a 50% reduction target for 2030 and an 80% reduction target for 2050.

What are your views on the 2050 target and a 2030 interim target proposed in the Bill?

These targets are in line with those in the Council's previous consultation response.

Q2 The Bill requires that the Scottish Government sets annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050. It is proposed that these annual targets will be set in batches, the first being for the years 2010 to 2022 inclusive.

What are your views on the setting of targets in batches from 2010 to 2022?

In its previous response the Council submitted that targets should be reviewed every 3 years to ensure they remained realistic. Reasonable advance notice provides an appropriate basis for decision-making.

Q3 The Bill provides that from the year 2020, the annual emissions targets must be set so that each is at least 3% lower than the target for the previous year. Prior to 2020, the Scottish Government has indicated that it intends to set annual targets which build towards delivering emissions reductions of at least 3% each year.

What are your views on this approach or any possible alternative approaches?

Any revision of targets should be based on scientific advice. Delivering these targets will depend on the technological and economic feasibilities, as well as efficiency gains and behavioural change. Building towards the 3% annual reduction prior to then is a realistic goal and would enable business to adapt.

Q.4 The Bill introduces the concept of a "net Scottish emissions account" as a point of reference against which the target for reducing greenhouse gases can be measured. It is defined as the net Scottish emissions plus or minus any carbon units credited to or debited from the account. Any units purchased may be used to offset Scottish emissions. Any carbon units generated in Scotland and sold to customers outside Scotland, count as emissions made in Scotland.

What are your views on the proposals in the Bill relating to the net Scottish emissions account, and should there be a limit on the number of carbon units which Scotland can purchase?

The vast majority of the reduction in emissions at least should take place within Scotland, with offset used as a last resort. Setting a limit on units which can be purchased would ensure the appropriate balance in reduction measures is maintained

Q5 The Bill defines "Scottish emissions", in relation to a greenhouse gas, as being emissions of that gas which are attributable to Scotland. The policy memorandum states that "Scottish emissions" are defined as being those greenhouse gases which are emitted in Scotland or which represent the Scottish share of emissions of gases from international aviation and international shipping.

What are your views on this definition of Scottish emissions?

The Council acknowledges the practical aspects of using this definition but notes that it has limitations. It ignores the emissions associated with imported goods by being based on production rather than consumption measures. No account is taken of the import/export balance of trade. The Council endorses the inclusion of aviation and shipping, as recommended in its previous response.

Q6 The Scottish Government has indicated that initially it intends to seek independent, expert advice on climate change from the UK Committee on Climate Change. The Scottish Government states in the policy memorandum that if it determines that the UK Committee on Climate Change does not meet all the advice needed for Scotland, the Bill contains provisions which will allow the Scottish Government to establish a Scottish Committee on Climate Change or to designate an existing body to exercise these advisory functions.

What are your views on the Scottish Government's approach to obtaining independent, expert advice on climate change?

The Council endorses this approach on obtaining independent, expert advice

Q7 The Bill places duties on the Scottish Government requiring that it reports regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards the emissions reduction targets set in the Bill. The Bill sets out details of these reporting requirements.

What are your views on these proposed reporting arrangements?

Regular reporting is an appropriate method of monitoring progress and enabling any changes in measures to be made.

Q8 The Bill contains powers to allow the Scottish Government, by regulations, to impose duties on public bodies in relation to climate change, to issue guidance to those bodies relating to their climate change duties and to require that they report upon the discharge of those duties.

What are your views on this proposal?

The proposals are broadly in line with the comments provided previously. However, there remains no duty on the Scottish Government to fund any additional duties imposed on public bodies, including local authorities. The Council considers that there should be a duty on the Scottish Government to provide additional funding. In addition, it would be preferable if there was a duty to consult on the reporting mechanism as well as the duties. This could be through CoSLA.

Q9 The Bill places a duty on the Scottish Government to produce a report for Scotland, setting out its objectives in relation to adaptation to climate change, proposals and policies for meeting them and the timescales within which they will be introduced.

What are your views on this proposal?

The Council previously recommended that adaptation was one specific topic where guidance should be provided. This proposal will set a framework for this.

Q10 Muirburn is the act of controlled burning of vegetation on open semi-natural habitats such as muir (Scottish word for moor) or moorland, and includes the burning of plants such as gorse, heather and grass. The Bill contains an enabling power to allow the Scottish Government to vary the permitted times during which muirburn may be made where they consider it necessary or expedient to do so in relation to climate change.

What are your views on this proposal?

The Council would be supportive of this, subject to decisions being based on scientific advice.

Q11 The Bill will allow modification by order of the functions of the Forestry Commissioners to enable the Forestry Commission in Scotland to play a greater role in tackling climate change. The immediate intent of the Scottish Government is to take forward proposals relating to renewable energy development on the National Forest Estate and the release of capital from the National Forest Estate for woodland creation.

What are your views on this proposal?

The Council has submitted a separate response to the Forestry Commission Scotland (FCS) on its consultation on the potential legislative changes contained in the Climate Change (Scotland) Bill. The Council agreed that FCS could enter into joint ventures in renewable energy projects on the national forest estate. The Council raised a number of points, including: leased land should be retained for forestry; ring fencing funds for woodland creation; maintaining biodiversity and access standards, community relationships and partnership working; and support for the existing forest sector.

Q12 The Bill requires the Scottish Government to produce an action plan setting out current and proposed measures to improve the energy efficiency of buildings in Scotland, as well as measures to encourage behavioural change.

What are your views on this proposal?

The early production of an action plan would be welcomed. The action plan should provide clear, realistic guidance and supporting mechanisms, including on the 'hard to treat' existing buildings.

Q13 The Bill confers powers on the Scottish Ministers to make regulations providing for the assessment of (a) the energy performance of non-domestic buildings; and (b) emissions of greenhouse gases produced or associated with such buildings. The provisions are enabling in nature and the Policy Memorandum provides further information on the Scottish Government's thinking in this area.

What are your views on this approach?

It is appropriate that Scottish Ministers are able to make regulations on energy performance of, and emissions from non-domestic buildings. These regulations should ensure that specified requirements not only cover disclosure of data but lead to improved performance. The adoption of the methodology used in England and Wales, by incorporating Display Energy Certificates (DEC's) alongside Energy Performance Certificates (EPC), will add further credibility to this legislation, enabling actual energy usage to be monitored, reported and ultimately reduced.

Q14 The Bill places a duty on the Scottish Government to take such steps as it consider appropriate to promote the use of heat from renewable sources. The Scottish Government has indicated this provision will enable it to introduce measures it deems appropriate to incentivise the production of heat from renewable sources.

What are your views on this proposal?

Given the high proportion of energy required for heating in Scotland (around 45%), the Council welcomes the duty on the Scottish Government to promote heat from renewable sources. The incentives will need to be appropriate, in funding and timescale, to give sufficient support to installations in this sector.

**Q15 The Bill sets out measures aimed at improving waste and recycling. The Bill gives powers to the Scottish Government to make regulations in the following areas:
Waste prevention and management plans;**

Waste data;

Deposit of recyclable waste;

Procurement of recycle;

Reduction of packaging;

Deposit and return schemes;

Charges for carrier bags.

What are your views on these proposals?

Section 52. Waste Prevention and Management Plans.

A waste prevention plan should be a plan which implements a strategy to reduce the amount of waste produced. To be effective the wording of section one needs to be adjusted to “to prepare a plan for the prevention of waste produced by or otherwise associated with their activities”

It is clear who would be covered by the term ‘persons of a specified kind’.

To be effective these regulations would have to include or be primarily aimed at manufacturers. This has been done in the past by extending producer responsibility, so the producer is responsible for the whole life cycle of their goods (Waste Electrical and Electronic Equipment Regulations are a prime example). This would follow the ‘polluter pays principle’. Again there is no indication as to responsibility for meeting the costs of such a plan.

The requirement to produce a Waste Management Plan should be part of a reduction plan, not a separate entity. A waste prevention plan is a waste management plan.

The guidance notes do nothing to encourage lateral thinking in terms of waste production. For example, “On a different scale, they might require an office to prepare a plan showing how it will minimise waste – for example by adopting double-sided printing. A person might be required by virtue of subsection (2)(a) to prepare more than one plan, for instance to deal with different types of waste.”

The term “showing how they will minimise waste” is not consistent with section 52 on waste prevention. Printing on both sides of a piece of paper indicates that waste is still acceptable. Replacing the need to use the printed form in the first place is waste prevention. Although the Council has an extensive computer network it still relies on paper forms and publishes committee papers. The latter, for example, could be replaced by electronic reports to be read on ebook type device or laptops in committee.

Section 53. Information on waste.

This information should be readily available as all movements of waste by law must be recorded and all waste facilities have to submit data to SEPA on a quarterly basis.

Section 54. Recyclable Waste Facilities.

This would be a difficult to enforce. The waste prevention plan would cover the instances given in the guidance notes such as offices having paper collections. The original discussion on this included requiring shopping complexes and public buildings to provide separate containers for the collection of recyclables. This may conflict with anti terror initiatives which have seen the removal of litter bins in some public places. A Waste Collection authority already has a duty to arrange the collection of business waste if requested to do so. Again this could be covered in the waste prevention plan without the need for additional regulation.

Section 56. Procurement of recycle.

There is some concern with the term 'recyclate'. Often production companies will include some of the processing waste back into the manufacturing process and class that as recycled material. The term 'post consumer recycle' should be considered. In some cases there is also a down side to the inclusion of recycle in the form of a loss of, or a reduction in warranty. Consideration will have to be given to allow those covered by this to make a life cycle judgement on the benefits of inclusion of recycle.

Section 57. Targets for the reduction in packaging.

The EU presently leads on packaging waste targets through the Packaging Waste Directive. Consideration would have to be given on the possible negative impacts on manufacturing in Scotland should companies face greater cost in compliance compared with any other EU country.

Section 58. Deposit Schemes.

A regulation requiring a deposit and return scheme should only be considered after a full life cycle analysis has been carried out on the options available. Returnable bottles are normally quoted as a prime candidate for such schemes, but the environmental impact of the storage, collection and transportation, as well as the environmental impact of the processing of such products needs to be considered. In the past chemicals were used to wash out bottles for reuse, which in turn produces an effluent. There is also the potential to move some goods from packaging which could not be recycled into packaging which can, thereby side stepping the associated costs involved in deposit schemes. 'Tetra Paks' have a better carbon footprint and fare better in a life cycle analysis than glass bottles.

A second consideration should be contributions from the deposit scheme being used to subsidise local authority waste management. Not all returnable goods will be returned; therefore unclaimed deposits should be available.

Section 59. Charges for carrier bags.

The assumption is that customers are not charged for carrier bags by supermarkets. The costs for the provision of carrier bags are already passed back to the customer in an indirect form. Plastic supermarket carrier bags are probably the most widely reused item in any domestic property. In many cases they are made from recycled material. Where they have been restricted the overall use of plastic bags may not have dropped at all. Customers merely buy other plastic bags for the secondary use that a carrier bag would have been put to. There is no indication as to what would be considered or who would benefit from the charges. The only beneficiary may be the regulator of such a scheme.

Q16 What are your views on the adequacy of the Scottish Government's consultation in advance of publishing the Bill?

The consultation was adequate.

Q17 Do you have any views on the Strategic Environmental Assessment which was carried out by the Scottish Government out on the consultation proposals?

No comment.

Q18 Does the Bill raise any equalities issues you would wish to highlight?

No.

Q19 Do you have any comments on the impact of the Bill on sustainable development?

The Bill should assist Scotland in working towards sustainable development by reducing the use of finite resources.

Q20 Do you have any other comments on the Bill?

It is clear that the Bill will result in additional duties for local authorities. However, although the Financial Memorandum takes steps to costing the impact of some aspects, it is not clear what additional costs will be imposed on the local authorities and how these will be funded. Consultation/dialogue between the Scottish Government, CoSLA and the local authorities should take place on the resource aspects.

The issue of funding is equally applicable to businesses and residents as they seek to reduce emissions and costs. This should be recognised and addressed.

The Council welcomes the aim of the Bill and acknowledges the commitment necessary on all sides to the successful implementation.