

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?

The Council acknowledges that the proposed reduction targets are ambitious by international standards. Nevertheless, they are achievable with a robust supporting package provided by Scottish Government.

The Council believes that an emission reduction by 90% from 1990 levels will be needed to avoid runaway climate change if the growing international consensus on this issue is correct.

The Council believes that an interim target set at 2020 rather than 2030 would be better as this would tie in with dates set in other international agreements and the UK Climate Change Act and the recommendations of the UK Climate Change Committee.

The Council has set its own targets of 20% carbon reduction by 2015, 30% by 2025 and a target of a zero carbon economy by 2050. This commitment is backed by a detailed Carbon Management Plan and perhaps something similar should be considered in a Scotland wide context.

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?

It is the Council's view that setting targets in batches would allow a degree of flexibility in meeting the annual targets, but that this may not be desirable in the long run. It may lead to minimum levels of achievement in the earlier years and little hope of achieving the overall batch target. This strategy may carry a high risk of failure unless carefully managed. It may be more effective to set batches in 5 year terms to reduce the risk.

The Council also suggests that public accountability may be served by setting four year carbon budgets which run alongside Parliamentary terms; however these would need to be based on published annual carbon targets.

The Council believes that budgets should be set two to three years in advance.

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?

The Council believes that the impact on the climate of carbon emissions depends on total emissions, so delays in achieving emission reductions will exacerbate climate change. A very early move towards statutory 3% annual reductions is critical if a meaningful and adequate level of emission reduction is to be achieved.

The Council notes that the Scottish Government's own Council of Economic Advisers issued the following warning on 5th December 2008: "To reduce emissions by 80% will require an annual rate of reduction averaging more than 3%. The reduction likely to be achieved by 2011 is not sufficient to put Scotland on that downward trajectory".

The Council believes that the implications of lower target reductions in the early years for meeting the 2030 and 2050 targets, and for overall carbon emissions over the period 2010 to 2050, should be clearly stated. This approach is in line with the principles of the Carbon Reduction Commitment (CRC) and is achievable. Consideration should be given to linking this proposal to the CRC in this respect.

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 Council is concerned that there is no reference as to the potential impact that the emissions scheme will have on SMEs in Scotland and the timeline when such a scheme may be implemented. New resources would be required to ensure that businesses in the capital can meet any new regulations and be fully equipped to take part in an emissions scheme. Edinburgh has been consistently ranked highly in quality of life and quality of environment (key determinants in choosing a business location) assessments in the Cushman & Wakefield UK cities monitor which tracks business perceptions.

The Council suggests that a weighting be taken into consideration for businesses in Edinburgh when setting any future carbon quotas that may be imposed. This should recognise the additional carbon burdens which local SMEs incur through their role or location within a vibrant capital city.

The Council believes that there is a need for a benchmark against which future reductions can be measured and there needs to be more local accountability and measurement of the performance of individual organisations or businesses.

It is the Council's position that the purchasing of carbon units to offset failure to meet targets is contrary to the aims of the Bill and should not be allowed, or at the very least restricted. Attributing carbon units to the country of origin will encourage development of renewable resources. Buying in credits to set against Scottish emissions cannot be a substitute for effective and meaningful action within Scotland itself.

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 believes that emissions from international aviation and shipping must be included in the definition of ‘Scottish emissions’. The shift in the Bill which moves towards their inclusion is welcomed. Emissions attributed to Scotland should have a direct link to the country. In the case of emissions from aviation, such emissions should be attributed to the country of the airport of the origin of the flight, with some offset where multiple stopovers of the aircraft are part of the flight. It should not be applied in passenger terms; rather it should be the individual flight. This would have a major impact on the way hub airports are developed and would encourage consideration to be given to additional pollution from airport expansion, for example. No detriment should be applied to a country where international flights over fly their territory. The same principle should be applied to shipping using the port of origin of the voyage.

It is essential that the calculation of emissions fully accounts for emissions arising from production as well as from consumption; ecological footprinting may be useful in this respect.

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 believes that independent, expert advice is essential. The Council welcomes proposals in the Bill to use the UK Climate Change Committee to provide scientific advice as there are many common issues that need to be addressed. The provision in the Bill to allow Ministers to create a Scottish version, if they see fit, may be acceptable if additional advice is limited to specific areas of climate change interest relevant to Scotland. The strong support from NGOs for the establishment of a new Scottish Climate Change Committee is noted.

The fact that membership of a Scottish Committee on Climate Change would include members with expertise/experience in business competitiveness, financial investment and technology development and diffusion is welcomed. However, it is of concern to the Council that this committee would, if the Bill is not amended, be appointed by Scottish Ministers, not Parliament. This may reduce public and private sector acceptance of its independence and scientific credibility.

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?

The Council believes that reporting requirements should be more specific and should include the performance of public bodies rather than a generic overview. CRC figures could be used as a comparator.

It is of concern to the Council that the Bill currently contains no consequences or sanctions for Ministers who miss their targets. Given that they are responsible for their success or failure, Ministers need to know what will happen if they fail. Ministers must be accountable.

Scottish Ministers should also report on the consequences for relevant emissions of all policy initiatives/programmes that can reasonably be expected to have a significant impact on emissions.

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?

It is the Council's view that, given their central role in Scottish society, it is important that climate change mitigation and adaptation duties are placed on public bodies. Local authorities, in particular, are key to delivering reductions in emissions. However, adequate guidance and support will be essential to ensure that public bodies know what is entailed by new duties and what is expected of them in terms of reporting. Guidance should detail whether new duties extend to local government arms length organisations. Realistic resources provision from government to assist with implementing and fulfilling the requirements of new duties will be essential if local authorities are to play their part.

The Council believes that in the current economic climate, where new policies to address the economic downturn are being drawn up, it is fundamental that early guidance and realistic resources are outlined so that economic policies can be aligned with the overall carbon reduction policies promoted by the Bill.

The Council believes that major changes to behaviour will not happen without regulation. The first cities in Europe to make the necessary changes will have a huge competitive advantage over those lagging behind, which will benefit Edinburgh's economy. Green credentials will also benefit the city in terms of tourism. There should be mitigation and adaptation incentives as well as penalties, e.g. many businesses would like to recycle but the facilities are not there.

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 welcomes the preparation of a Scottish Government report on objectives relating to adaptation. This report should include the impact that introduced regulations on energy performance of non-domestic buildings, waste reduction and recycling may have on SMEs.

We believe that there needs to be some form of regulation available to the Scottish Government, particularly in the case of those public bodies which fail to address adaptation issues. A robust reporting and audit procedure needs to be adopted. The use of the CRC reporting structure would reduce duplication.

The Council is concerned that it will be impossible or very difficult to successfully 'adapt' to many of the predicted global impacts of climate change at both a local and international level. Therefore efforts should be focused on reducing Scotland's emissions and demanding that other countries to do the same.

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 is not directly concerned with muirburn or similar land management practices at this time. However, it is aware of the predicted changes to the climate of South East Scotland and of the potential impact of these changes on traditional land use practices. In this context it is entirely reasonable that the muirburn season, which is generally restricted to the period between 1st October and 15th April, may need to be varied to reflect future changes in weather conditions and growing seasons.

We believe that on this and similar land management practices effective ongoing consultation with relevant stakeholders is essential.

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 does not have a direct role or interest in the public or national forestry industry. However, the Council is generally supportive of measures that aim to promote renewable energy development and the diversification of energy supply at a national and local level.

Effective ongoing consultation with relevant stakeholders is essential.

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 Council welcomes this proposal as energy efficiency can be a rapid and cost effective way of reducing emissions. It is our view that it should detail measures for both existing and new buildings. Links need to be made to the recent introduction of Energy Performance Certificates; this could be a robust additional tool to tackle emissions from buildings. With regards to new buildings, The Edinburgh Standards for Sustainable Building states that "The Council will require all new build developments with floor space of 1000sq m or more, or ten residential units or more, or a site area of 0.5 ha or more, to reduce predicted CO₂ emissions by a Buildings Emission Rating (BER) which attains a Target Emissions Rating (TER) minus 5%". (Equivalents to be explored in the case of conversions).

We believe that support through funding mechanisms such as CEEF should be improved and made more widely available.

The Council welcomes the recent Scottish Government report on Low Carbon Buildings. However, significant levels of government investment will also be required to achieve the potential for energy efficiency in older 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?

The Council welcomes these provisions. The non-domestic sector represents a significant proportion of the built environment and therefore will have to be included to achieve even the 80% reductions proposed by government.

It is important that any measures should complement the existing E.U. legislation and should not impose additional burdens that would disadvantage Scotland within an E.U. context.

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?

It is the Council's view that additional incentives are needed as many renewable projects are discounted as not financially viable, and many having payback periods outwith their lifecycle.

Current Scottish Government funding schemes should be expanded to include larger projects.

As a major proportion of energy demand is for heat, it is therefore vital that heat be generated from non-fossil fuel, renewable sources. A scheme, such as the Renewable Obligation Certificates for renewable electricity, should be developed to encourage this switch by the energy providers.

It is the Council's view that energy from waste should not be considered as a sustainable way of generating electricity and heat. As well as generating CO₂ emissions, incineration burns useful resources that could otherwise be conserved or recycled.

**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 recyclate;
Reduction of packaging;
Deposit and return schemes;
Charges for carrier bags.**

What are your views on these proposals?

Section 55 - Recyclable waste: facilities for deposit at events etc. Proposed regulations should be framed in such a way as to maximise waste streaming and recycling while minimising risk of preventing smaller groups from holding events. Account should be taken of the practicalities of ensuring that waste is segregated with as low a contamination rate as possible, and also of allowing sufficient frequency of uplift without health and safety risk to event visitors.

Section 58 – Deposit and return schemes: subsection (6). Use of packaging that can be re-used should be preferred to packaging that requires to be recycled, as this potentially reduces GHG emissions.

Section 59 – Charges for carrier bags. Action under this section could be enhanced if a life-cycle assessment for different options (e.g. biodegradable carrier bags, paper carrier bags, 'bags for life' made from different materials, printing inks used etc) were made available for consideration.

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

The Scottish Government provided a number of consultation opportunities covering different aspects of the Bill prior to its publication, this was positive. However, longer consultation periods and significantly more detailed consultation documents should have been provided which would have enabled the Council to consider all relevant issues more fully. There has been a marked lack of detail during the Bill's consultation period as to the financial resources that would be required to support and meet the requirements of the Bill by the public sector.

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 response submitted

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

The Council welcomes the inclusion in the Bill of an Equal Opportunities duty (Section 62). It is widely acknowledged that vulnerable groups in society such as children, elderly people, people who are poor, those in ill-health or who have disabilities or mental health problems are particularly likely to suffer from the consequences of wide-ranging dis-benefits arising from climate change. Such dis-benefits may arise both directly from the impacts of climate change but may also be the result of ill thought out or inappropriate adaptation initiatives.

For example, recent research by the Stockholm Environment Institute at the University of York confirmed that by 2031 the over 50s will make up approximately 41% of the UK's population - a total of 27 million people. This research identified that older people are likely to be physically, financially and emotionally less resilient to climate change. The cost of heating and cooling of homes, storm damage, floods and poor access to public services due to extreme weather events were all identified as being of particular concern for older people. Similar negative impacts can be associated with other vulnerable groups. The Bill and secondary legislation arising as a result of the future enactment of the Bill must address issues such as these.

The Council notes that the Bill identifies specific initiatives on renewables and household waste management. These and others that may result from secondary legislation may all present particular difficulties and issues for elderly people and other vulnerable groups. It is essential that these and all other new projects, initiatives and secondary legislation arising as a result of the Bill are subject to meaningful equalities impact assessments which identify appropriate actions to address the needs of the most vulnerable in society.

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

The Council believes that the sustainability agenda has always emphasised the need to take account of interrelated economic, social and environmental issues. However, sustainable development actions have often been one-off in nature and have failed to draw these three strands together.

The potential speed and scale of climate change, and the need for an effective reaction to it, calls for wide-ranging initiatives that are firmly integrated into all three core sustainable development issues. Unless the provisions of the Bill are successful in progressing reductions in carbon emissions and a shift to non-fossil fuel based sources of energy, development cannot be regarded as sustainable development.

If a statutory duty in respect of sustainable development is added to the existing Best Value requirements, clear guidance will require to be given as to how this factor should be reconciled with existing duties, particularly where the environmentally-optimal outcome may not accord with other obligations.

Q20 Do you have any other comments on the Bill?

The Council is pleased to see that the Bill proposes including emissions from international shipping and aviation within the definition of 'Scottish Emissions'. On the other hand, it is disappointing that no specific duties are placed on Scottish Ministers relating to transport, other than the reduction of transport packaging.

The Council therefore suggests that Scottish Ministers are given a duty to:

- ensure that the climate impact of proposed major transport infrastructure investments is taken into account in their appraisal;
- promote the use of the most energy efficient modes of transport for passengers and freight in Scotland.

The Council believes that guidance is necessary to address the growing pressure of airport expansion to support economic growth and how this sits with policy targets of 80% carbon reduction by 2050 and the Government's vision that 'economic development should raise the quality of life of the Scottish people through increasing economic opportunities for all, on a socially and environmentally sustainable basis'. Edinburgh airport is important to the Scottish economy and the city benefits from the added value of business routes to and from the capital. Government direction is required to balance economic growth and environmental capacity so that policy contradiction does not take place. It is vital that local authorities align policies in order to work towards the above vision.

The Council would like to emphasise again that financial assistance will need to be provided to Edinburgh not only to resource the management/implementation of new duties but also to fund any major capital works that might require to be undertaken. This might be an area where a pooling of expertise and/or financial leverage through, for example, the Scottish Futures Trust or Scotland Excel would be helpful. The issue of funding, however, will become ever more critical as the comparatively easier energy efficiency measures, which offer a reasonably short payback period, are exhausted and attention by necessity turns to other more resource intensive measures that, while reducing emissions, may not offer the same financial savings.

The Council is also concerned that there may be implications arising from the Bill for its Pension Fund: the main issue here being related to property holdings, as the property market would presumably take additional requirements arising from the Bill into account in pricing of properties. A more general point is that the councillors have "trustee" responsibilities for the Pension Fund; these could potentially conflict with the Bill's provisions in this area.

The Council would like to highlight the fact that the extent to which local authorities may assume new duties arising from the Bill through their lead community planning role, and the resulting accountability for the delivery of targets, is unclear.