

WRITTEN SUBMISSION FROM COSLA

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?

COSLA members are supportive of the ambitious proposals for an 80% emissions reduction target for 2050 which is in line with recommendations at a UK level from the Climate Change Committee. We believe that it is right that Scotland should seek to lead the way in the United Kingdom on emissions targets and investment in renewable energy technologies. Progress on both will enable us to be even more ambitious in the years to come. Indeed, COSLA has long argued for an integrated Scottish Energy strategy and encouragement for the development of renewable technologies.

COSLA also supports the inclusion of international aviation and shipping in these targets as has now been proposed in the bill.

COSLA stated previously in its response to the Climate Change Bill Consultation that a useful interim target to highlight could be 2020 as this is the target point for EU climate change reductions and the EU package of actions and policies will have a bearing on Scotland. It would also be a useful early marker with time to take corrective action should this target not be met.

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?

COSLA recognises the need to have human scale planning horizons and so agrees that phased reduction of CO₂ emission, to reach the 2050 target, will be essential to enable sectors to adjust their carbon budgeting accordingly to change processes, to re-invent and to modify inherent practices.

Our main concern is in the instance that such targets are applied to local authorities. In this case COSLA advocates four year carbon budget reporting periods for local authorities so that reporting periods can both use the inevitable political dimension to provide an additional driver for action on the part of each administration and avoid any overly onerous reporting process which might overly burden council staff should they be required to report more frequently. Any such reporting should be done through the Single Outcome Agreement mechanism on a local authority by local authority basis.

Setting carbon budget steps that tie in with the above will allow for short and medium term planning towards the 2050 target. The longer term achievement will rely on technological change and it is for the Scottish and UK Governments to drive this forward. Sectors will also be vulnerable to missing targets if external circumstances intervene. An example would be alternative energy sources failing to meet predicted output. However, while cyclical carbon budgeting set in secondary legislation is, in principle, a sound approach, the Government must ensure that the environmental, social and economic needs are in balance, and recognise through the implementation of this and other legislation that climate justice is a fundamental and increasing responsibility of Government.

COSLA members agree there should be at least three budget periods in statute at any one time. This will assist the planning of successive carbon budgets against circumstances.

The Government must show leadership by ensuring that targets are challenging but also realistic and achievable against current technological progress and other external factors that will influence the meeting of targets.

Emission budget periods should be set for a cycle appropriate in relation to our answer above and for a long enough time period to permit investment in energy generation to be scheduled and financed in a manner acceptable to industry.

Major infrastructure projects are normally financed over 25 years. It would be useful to have certainty in terms of CO₂/GHG targets over the same period.

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?

This is a reasonable approach, given that a 3% per year target is highly ambitious and will require some lead in time to achieve. However, a rigid 3% per year target seems like an unnecessary constraint in the face of inevitable fluctuation in success due to unforeseen circumstances, including weather events, etc.

Further, while local authorities will no doubt play a large part in achieving these targets COSLA would have concerns about aggregating these targets down to the local level again because the targets are not flexible enough to deal with unforeseeable circumstances. Also this would set in motion a process of reporting that would be difficult for councils to keep up with given current resources and staff capacity. Additionally some councils will be further ahead in the process of reducing emissions and thus would not benefit from the relatively low cost of initial emissions reductions measures which could be available to councils who are less advanced in this area.

See also answer to Question 2 with regards to reporting periods and potential implications for local authorities.

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?

COSLA is largely against the use of purchased carbon credits, but agree that if used, this should be limited and as a last resort. If international carbon credits are to be used towards reduction targets they should be used as a “clean development mechanism” or “joint implementation credits” as verified by international processes supporting the Kyoto Protocol and would be in line with the international principle of “supplementarity” i.e. that the primary focus would be emissions from Scotland and that only a minor amount of emission reductions would come from international credits.

We would also suggest that permissions to use these credits be subject to scrutiny by the Committee on Climate Change (or other related Scottish body) to ascertain that the Scottish Government has done enough to stimulate domestic action and is not using international credits for ‘quick hits’ against emissions targets. We want to avoid a situation where companies and governments are prepared to pay in exchange for the right to do nothing to cut down on their own emissions.

COSLA would also support the reporting of emissions from consumption information as a parallel process to the achievement of emissions reduction targets. We would not be looking for targets or caps on such consumption but would consider this a useful tool for informing the public of their role in reducing emissions worldwide through their consumption choices.

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?

In an ideal world COSLA would like to see targets based on end user inventories, as this will account for energy efficiency measures, renewable energy generation, as well as taking account of CO₂ caused elsewhere by our consumption in Scotland.

For practical reasons however we accept that this would prove highly complex. Thus, ultimately, any system we are likely to have will be based on source emissions. COSLA would accept a measure based on production accepting that where such an approach would disadvantage Scotland (i.e. the export of renewable energy), there are other areas where such an approach would provide a 'gain' for Scotland (i.e. the export of highly pollutive industrial processes to other countries).

While such a measure may not be ideal there is a need for easily accessible measures in order to provide the political steer to this process. In the short term, these may not be entirely rigorous but will provide a starting point from which to focus political will, something which is urgently needed. In the medium to long term fuller measures will of course need to be developed, but we need a focal point for action in the short term and can not wait for these fuller measures to be developed.

Any system adopted needs to be based on scientific consensus and evidence based.

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?

COSLA believes that actions are needed, not new bodies. The primary source of advice to the Scottish Government should in the first instance be the UK Committee on Climate Change, with an evaluation of its effectiveness after 3 years. It is most appropriate to use this source as it comprises leading experts from all sectors and will provide a consistent approach throughout the UK, this will aid the sharing of best practice. Using existing Scottish 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 is not supported.

That said, Scotland has already begun to take a diverge from the UK with the inclusion of international aviation and shipping in the proposed bill. Should the Scottish agenda develop to include areas of climate change mitigation or adaptation outwith the scope of that covered by the UK Climate Change Committee terms of reference, Scotland would then need a way to secure expert advice. Further discussion is needed on where such expert advice would come from.

COSLA would also stress that the UK Climate Change Committee would be looked to provide advice on the scientific information needed to set targets appropriately, independent of the political process, while how to go about achieving Scottish targets will be an issue to be decided within Scotland.

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?

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 (or other related Scottish body) as to how often these 'other' issues should be reported, but should fit in with target and budget setting framework.

COSLA sees a need for flexibility within secondary legislation to allow for changes to the bill should international consensus change quickly. Similarly such flexibility is needed to allow for a situation where local adaptation needs in terms of climate change may also change quickly. There should be a mechanism for central funding of adaptation measures outside normal budgeting arrangements to meet unforeseeable demands. This would mean looking at contingency funds for developments/events which cannot be adequately addressed through adaptation measures and thus will result in an unavoidable increase in cost.

As mentioned below Scottish Ministers should be expected to report on the progress of the upcoming Adaptation Strategy.

Targets should be the responsibility of the First Minister and these should be subject to publicly published scrutiny in addition to Parliamentary scrutiny. This could be done by an independent Scottish audit body, such as Audit Scotland.

This is because political accountability 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.

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?

COSLA has no issue with the proposal to bring forward enabling powers so long as any duty imposed on the public sector to take specified actions on climate change or other specified environmental issues is backed up with the appropriate resources to enable those duties to be carried out and that reporting on any new duty be fully integrated into the Single Outcome Agreement process.

All 32 of Scotland's Local Authorities have signed up to Scotland's Climate Change Declaration, a voluntary agreement to work towards climate change mitigation and adaptation. This high level commitment is expected to be increasingly reflected in the new Single Outcome Agreements and in partnership with Community Planning Partnerships. Information gathered on work towards the declaration commitments is expected to provide valuable material to inform the SOA process and inclusion within this process will effectively roll out the principles within the declaration to the wider public sector as COSLA has recommended in the past. In time, with adequate resources provided through the local government settlement, more specific local indicators with regards to climate change work could and should be integrated into these agreements to see that they address more fully the range of climate change activity agreed by local authorities under the declaration.

Any duties with regards to Local Authorities would, in accordance with the Concordat, need to be developed jointly between COSLA and the Scottish Government. Any new duty would also need to be integrated into the Single Outcome Agreement process.

Some thought might be worthwhile around the objectives of a climate change duty being best achieved by strengthening and re-focusing the existing Best Value and Community Planning legislation, wherein local authorities are required to discharge their Best Value and Community Planning duties in "a way which contributes to the achievement of sustainable development". Achieving the objectives of a climate change duty through this approach would require improved, climate change-focused Best Value (and also Strategic Environmental Assessment) statutory guidance. This could be an iteration or extension of the Best Value and Sustainable Development Toolkit, which some local authorities are already using to inform performance management and improvement, and which has support from all key stakeholders.

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?

COSLA is in favour of this proposal. Adaptation must be an integral part of any climate change strategy. COSLA's response to the Adapting Our Ways consultation reflected that some degree of climate change is already underway, and further change is inevitable even if substantial mitigation takes place. We need to promote strong national leadership and co-ordination to ensure that Scotland can face the ensuing challenges – by minimising risk and damage, ensuring there are arrangements for continuity of public services, and maximising opportunity and potential benefit. COSLA's stated position is that there is a need to fully integrate mitigation measures as part of a comprehensive long-term adaptation strategy in order to minimise further necessary adaptation measures in the future.

If we are going to succeed in changing the way we live in order to mitigate against future climate change we need to adapt not only to changing weather patterns but to the need to reduce emissions wherever possible. This means adapting to sustainable methods of transport and reducing the amount we travel; adapting to the need to skill up Scotland's workforce to grow the renewables industry and other green businesses; and adapting to new ways of daily living, including energy efficiency and waste minimisation – as a behavioural change and as part of the way we build and repair homes and other buildings, and the way we buy, deliver and dispose of products and services.

Along the way, as we adapt to inevitable environmental changes and to a lower carbon economy it is imperative that we effectively educate, inform and reassure communities about the plans and decisions that are being made to manage the impacts of climate change.

Producing a report as proposed will be one step in this communication with the public.

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?

We have no comments on these proposals at this time.

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?

With regards to renewable energy development the national forest estate is likely to include a number of locations suitable for wind, hydro and micro-renewable energy generation. Locating windfarms and hydro schemes within forestry can help to reduce detrimental impacts, in that both activities can share the same road systems; commercial conifer forests are already man modified landscapes so impacts are likely to be less than in wildland areas; and forests can help to limit the potential for close views of turbines, dams and other structures by reducing the availability of open views across the landscape.

However COSLA does have some reservations with regards to the proposals to offer leases and cutting rights over parts of the national forest estate. Our main concerns are:

- Lack of business case.
- Impact on the function and funding of the remaining part of the national forest estate.
- Loss of regional presence.
- Impact on the stability and development of timber markets as presently underpinned by FCS.
- Impact (immediate and longer term) on FCS employees and the communities they live in.
- Loss of community acquisition opportunity through the National Forest Land Scheme.
- Loss of a wider range of non-market community benefits as provided through FCS and which will be greater than provided through any lease arrangement.
- No guarantee that funding raised will be placed specifically to forestry related climate change measures.
- Potential for further leases.
- Member states of the E.U. have generally supported and protected their national forests.
- A concern that private operators will not have the same sense of duty to the public.

Any proposal will need to go through the usual process of public consultation as well as early consultation with the effected local authorities to ensure for adequate compensation with regards to local income from timber production, recreation or indeed potential future uses.

COSLA would expect there will be a need for negotiation and management of appropriate community benefit and would advocate that efforts be made to provide opportunity for partnerships with Local Authorities to provide heat and power for local communities from any new renewables projects on the National Forest Estate.

We would also advocate a national strategy on renewables to map out suitable locations across Scotland rather than looking at this on a piecemeal basis.

Any proposed future developments would also need to consider the implications of the Land Reform (Scotland) Act 2003, with the need to retain access rights for the general public.

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?

This proposal is to be welcomed but does raise some practical issues with regards to financial resources, additional capacity and consistency with activity at the EU level. There is already some concern on the part of Scottish councils following the review to the EU Energy Performance in Buildings Directive around the added up front cost to councils of extending the scope of this directive. We would have similar concerns of a resource and capacity nature with any such Scottish proposal.

Our member Councils are already functioning at full capacity to fulfil the requirements of the existing EPBD, having committed budgets and allocated staff time to completing the Energy Performance Certificates (EPCs) for the buildings covered in the scope of the existing Directive. Similarly, additional workload dealing with applications etc. is likely to force an increase in fees passed down to the public; otherwise Councils will face even more pressure to deal with the applications. There is also already a concern that the extension of the EPBD might necessitate extensive re-training for Building Standards Officers. A concern which would also apply to any new proposals at the Scottish level.

While councils are highly in favour of the principle of addressing energy efficiency in Scotland's buildings and see it as a key tool in both saving carbon and lowering running costs to building owners and tenants, they are very mindful of the added costs and any proposal to improve the energy performance of buildings in Scotland needs to be paired with the appropriate resources to carry it through.

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?

See answer to Question 12.

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?

COSLA as a general principle is in favour of pursuing options with regards to promoting renewable energy including renewable heat. We would of course expect any steps taken on this to be managed within a consultative process, including early engagement with includes COSLA and the Scottish Government.

Several local authorities have renewable heat programmes underway for some of their communities and are providing good practice examples of what can be achieved. (discussions with Glasgow Council, Island Authorities and elsewhere?)

There is great potential for the development of green jobs in Scotland should appropriate incentives to grow the industry be put in place. COSLA looks forward to further discussions on the potential in this area of work.

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?

COSLA is in favour of measures to reduce waste and increase recycling and re-use as part of an integrated strategy to divert waste from landfill. Comprehensive use of waste resources is a key part of the climate change mitigation process.

We would expect climate change to be one of the issues considered as part of ongoing Zero Waste discussions and as part of the review of the National Waste Plan.

COSLA would also expect that any regulations brought forward would be done so only following consultation and negotiation with Scottish Local Authorities and accompanied by the necessary resources to carry out any new burdens on local authorities that may result from such regulation.

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

We are content with the way the process was conducted.

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.

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

It would be useful to keep in mind that both within Scotland and globally climate change is likely to affect those with the least resources first. Thus any mitigation or adaptation strategy should take in to account the effect of policies on those living on lower incomes or with poor health or mobility, i.e. taxes on less fuel efficient cars or the effects of falling land values as a result of environmental changes. There will also be an unequal effect on those living in rural or remote communities when it comes to increased fuel costs as well as the increased costs of making some rural homes energy efficient.

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

COSLA believes that Scotland is well placed to adapt to the changing realities we now face. We are well placed to grow the renewables sector in Scotland, to take advantage of new green industries and become a good practice example for others. We see an opportunity for Scotland to make the best of the bad situation that is climate change. However we believe there is a need to temper widely accepted commitment to 'sustainable' economic growth. Many of our members doubt that a growth model can indeed be sustainable as mitigating and adapting to climate change will require decreasing consumption and emission producing activities. Instead of the traditional economic growth models we would want future sustainable economics to be based on replacing old high carbon industries with new green ones.

As we have stated in our response to Scotland's Climate Change Bill Consultation we are now in an era of tough choices and the time for procrastination on this is over. We need to be prepared to go further and seriously look at the effects of past, current and future consumption. If we are really to meet the challenges of social and environmental justice we need to be prepared for a debate on the fundamental values and priorities of our society and the effects these have on our stewardship of the planet. Support is going to be required for a range of complementary action across a range of governmental policy areas. Ultimately this will require difficult decisions to be made collectively affecting personal choice and responsibility, as well as individual aspirations and the general way we lead our lives. This includes looking at the choices we make in terms of infrastructure investment – we need to move away from investments that add to the problem of climate change and towards those that help to protect us from it. We must work with the people of Scotland to develop the consensus and political will that will be needed, so that we can act locally, nationally and as part of the international community. Clearly there are no genuinely simple answers, and acting alone will make no sense.

Q20 Do you have any other comments on the Bill?

No submission.