

WRITTEN SUBMISSION FROM EAST AYRSHIRE COUNCIL DEPARTMENT OF
NEIGHBOURHOOD SERVICES

Q1. The Bill creates a statutory framework for greenhouse gas emissions reductions in Scotland 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 by the Bill?

Although ambitious, East Ayrshire Council is supportive of both the 2030 and 2050 targets as contained within the proposed Climate Change (Scotland) Bill which is in line with the UK Climate Change Bill.

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?

East Ayrshire Council is supportive of the proposed methodology regarding the setting of targets, as importantly the budget setting timetable crosses Scottish Parliamentary cycles. And, whilst section 6(1) provides scope for Scottish Ministers to amend targets and dates if they consider it appropriate to do so, we support that advice of the relevant body must be sought in advance and that where Scottish Ministers make different provision from that recommended, they must publish a statement setting out the reasons why.

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?

East Ayrshire Council is supportive of this measured approach to the setting of annual targets. Further we fully support the reporting methods built into the Bill i.e. the production of an annual report by the relevant body which will take cognisance of not only the annual target but also the interim and 2050 target, and seek advice as to how to progress further, and the production of an annual report which assesses performance during the preceding “target year” – a reporting requirement which requires a response by Scottish Ministers to the Scottish Parliament.

Q4. 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?

East Ayrshire Council in principle is supportive of the concept of the “net Scottish emissions account.” We support a framework which ensures that the focus is on achieving emission reduction and emission avoidance. Of concern is the support and framework required by businesses and industry to both invest and innovate, given that in establishing annual targets, each target must be less than the previous net Scottish emissions account level.

We do support the inclusion of a limit on the number of carbon units which can be purchased, and we would propose that this be aligned to the timeframes as established at section 4(2) which would allow for any unexpected or indeed planned spikes in emissions, to be offset during established timescales.

We are unable to provide a view on the number of carbon units which can be purchased.

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?

East Ayrshire Council is supportive of this view of Scottish emissions.

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?

East Ayrshire Council is supportive of the Scottish Government’s proposed approach.

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?

Whilst East Ayrshire Council is supportive of the proposed reporting framework contained within the Bill para 29 (4) relates only to gross electricity generation and consumption – why exclude other fossil fuel sources such as gas, coal and oil? The requirement on Scottish Ministers to produce time bound systematic and comprehensive reports on progress towards achievement of the Interim and 2050 targets; to detail corrective actions required in order to achieve these targets and to detail the justifications for identified course of action provides a reporting framework which is transparent and provides a consistency of approach.

Q8. The Bill contains a duty on the Scottish Government to produce a report for Scotland, setting 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 these proposed reporting arrangements?

East Ayrshire Council is supportive of the Bill having authority to impose duties relating to climate change on public bodies, and supports subsection (3) which enables different duties to be imposed on different public bodies thereby recognising the degrees of impact which different public bodies actions will effect on climate change. Further the publication of guidance which public bodies will be required to follow ensures accountability and clarity of reporting direction to public bodies and their partners and stakeholders. The Bill affords Scottish Ministers the opportunity to appoint a "monitoring body", whose purpose will be to ensure compliance with reporting guidelines. We would envisage that such a role could be performed by Audit Scotland in line with the wider Best Value reporting framework.

Q9. The Bill places a duty on the Scottish Government to produce a report for Scotland, setting 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?

This is a statutory obligation as required by the UK Climate Change Act which is triggered when the Secretary of State lays a report before Parliament under Section 56 of the Act. Following receipt of this report Scottish Ministers are obliged to report on any risks identified in the report and sets out Scottish Minister's objectives, proposals and policies in relation to adaptation to climate change. East Ayrshire Council notes this position – it is anticipated that clear national guidelines will be forthcoming upon completion of the Adapting Our Ways consultation.

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?

East Ayrshire Council agrees with this proposal but presume the needs of certain communities will be considered e.g. if grouse shooting areas are an important part of the local economy licenses to manage moors would be available. Additionally there will be biodiversity issues which will be required to be taken into account when determining at what times of the year muirburn would be acceptable. Further, international and national areas for nature conservation pose a question as to whether muirburn should occur. Cognisance should be made of local biodiversity action plans, in particular with regard to programmes for the conservation and enhancement of local species and habitat. We would suggest Scottish Natural Heritage be consulted by the Scottish Government.

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 woodland estate has an important role to play in energy conservation in that it can both create a renewable source of fuel (wood for fuel in burners) and provide an environment for CO2 consumption by standing forests in the process of photosynthesis. The conservation of forest land also protects and provides habitats for wildlife to thrive and destruction of habitat is a major symptom of climate change.

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?

East Ayrshire Council believes that behavioural change is essential to energy conservation. The most energy efficient building is of little benefit if its occupiers are ignorant of the effects their actions can have on the energy consumption of their premises. The energy efficiency of some older buildings is far more difficult to improve upon and we must ensure that the owners of some of the historic buildings are not over-burdened with implementing costly energy efficiency measures. A balance is required between what is economically viable and the desire to improve the build environment. Further recognition is required of the associated costs and resources needed to pursue and deliver this objective.

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?

East Ayrshire Council has complied in full with the requirement to produce Energy Performance Certificates (EPCs) for non-domestic public buildings with an area >1000m² which came into force on 4th January 2009. To date there has been no evidence of enforcement measures being implemented against those public bodies and local authorities who have failed to comply. Further we are of the opinion that premises under 1000m² should also be required to produce EPCs. Compliance of the regulations should be rewarded by the awarding of green credits or a funding package to facilitate the introduction of recommendations which have resulted from the production of the EPCs.

Q14. The Bill places a duty on the Scottish Government to take such steps as it considers 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?

East Ayrshire Council is supportive of the Scottish Government's intention to encourage, incentivise and promote the generation of heat from renewable sources as we believe that Scotland is in a position to benefit from the wealth of natural resources which surround it.

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.
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What are your views on these proposals?

East Ayrshire Council is supportive of the provisions contained within the Bill and concludes that by including powers to make regulation for each of the provisions is designed to support Scotland in its efforts to reduce greenhouse gas emissions to the 2050 target levels. We concur with the viewpoint that whilst all provisions within the Bill are subject to a form of voluntary agreement, the tonnage of waste sent to landfill will reduce due to the success of introduced/emerging voluntary actions. However, we welcome the flexibility within the Bill to allow statutory intervention measures should progress be insufficient to meet either waste specific or wider climate change targets. We note and welcome that should regulation be required, the Scottish Government would intend to consult with stakeholders.

We note that the provisions reconfirm the Scottish Government's commitment to becoming a "zero waste society" and acknowledge that the measures are designed to reaffirm the importance of the waste hierarchy with a focus on waste reuse and recycling activity. Further we support the opportunity that highly efficiency energy from waste plants may afford in utilising waste as source of energy.

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

East Ayrshire Council welcomes the opportunity to participate in the ongoing consultation process. The extent and wide ranging consultation undertaken has afforded maximum opportunity for interested parties to participate.

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

East Ayrshire Council does not have any views on this Strategic Environmental Assessment process.

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

There are no equalities issues which East Ayrshire Council would seek to highlight.

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

In order to achieve the exacting targets as established in the Bill, there is a clear requirement for Scotland to become more sustainable in its actions. Within the Bill the establishment of advisory bodies and the introduction of a clearly defined reporting framework which not only tracks progress, but requires that any corrective actions in the period to 2050 be defined, clearly demonstrates a requirement for all sectors of Scotland to be more sustainable in their actions, from concept through to delivery.

Q20. Do you have any other comments on the Bill?

East Ayrshire Council would comment that this is an important Bill for Scotland which will require to remain the focus of the Government' commitments. Further, the Scottish Government will require the support and ingenuity of its partners both at home and internationally to successfully deliver the targets.