

## WRITTEN SUBMISSION FROM FIFE 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?**

Fife Council supports the 2050 and 2030 targets with the proviso that these may need to be adjusted according to best available scientific knowledge.

Moreover, an additional interim target for 2020 could be useful as this is the target point for EU climate change reductions. 2020 would also be a useful early marker with time to take corrective action should this target not be met.

Fife Council supports the practice of reducing carbon emissions not only as a useful proxy for improving the technical efficiency in the generation and use of carbon-based fuels and improving the economic use of such fuels across the areas outlined in the Bill, but also working to achieve a massive emissions reduction in transportation fuel consumption.

Fife Council encourages a clear relationship between the amount of effort and resources dedicated to routes to meet the targets and the projected proportion that is likely to achieve. Moreover, other likely impacts should be borne in mind to ensure broader sustainability is not sacrificed to reduce carbon emissions.

Meeting the targets may require a total rethink on the mechanism of achieving these targets, which is not made clear in the Bill. While a large proportion of current efforts is to task the power companies, this does not comply with a proper view of sustainability, in terms of both international security of supply (political stability) and native security of supply (constancy of guaranteed supply), including economic viability.

The use of carbon trading allows developed countries to abrogate much of their responsibilities for real reductions and improvements in sustainability, makes meeting targets an end in itself and does nothing for the aim of long-term sustainability. Carbon trading should be tightly controlled and be allowed only where a real carbon reduction is achieved through actions that would not be achieved in normal trading or environmental improvement – in other words it must be demonstrable that any potential negative environmental impact is being addressed.

Fife Council reiterates the view expressed in our response to the Financial Memorandum: viz. that there must be consideration by the Scottish Government of the costs associated with the scrutiny, measurement and reporting incurred. Fife Council urges the consideration of full costs associated with the Bill, not reliance on market changes or efficiencies savings making it possible for public bodies (or others) to cover the costs incurred in execution, monitoring and compilation of the reports to be analysed by the Scottish Government. A lack of sufficient resources for the implementation, enforcement, scrutiny, measurement and reporting will put achievement of the targets in jeopardy.

**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?**

Fife Council supports the setting of batches of targets, 12 years in advance. It is essential for local authorities to have interim targets and prior notice of the targets will help to monitor progress and give guidance on what actions are working. The Council does however encourage full consideration of the complication and bureaucracy that could arise, and urge the Scottish Government to ensure that planning, monitoring and reporting is set with common units of measurement and formats across the issues covered by the Bill.

Local authority target setting should be aligned with Single Outcome Agreements (SOA), which themselves represent the priorities for Community Plans. In this way, reporting tied to the Climate Change Bill could be incorporated into Community Planning, although full reporting would have to remain outwith the SOA to facilitate detailed coverage of areas of progress and challenges and future intentions.

**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?**

Fife Council have committed to achieving a 3% reduction in Council emissions year on year, as a drive to making a sufficient and equitable contribution to the global emissions reduction effort. The Council however, seeks clarification on how the annual 3% reduction targets will be applied in relation to the longer term 'batch' targets and is of the view that any penalties imposed for not meeting targets should relate to periods of longer than a year.

A focus solely on annual 3% reductions could be seen to promote the adoption of short term views and is not desirable. Striving to achieve reductions in a planned manner over a number of years, and allowing some elements to achieve lower reductions in some years, could be in the best long-term interest. It would also allow organisations to iron out unforeseen circumstances. However, it should still be borne in mind that the 3% reduction is a minimum and that the "at least" element should not be airbrushed out by common usage.

The urgency of the climate change challenge is masked by not requiring significant action (i.e. targets of at least 3%) until 2020. The earlier that emissions reductions are achieved, the less the impact of climate change will be. To encourage much earlier implementation of measures to reduce emissions, it is recommended that targets of at least 3% per annum are required much sooner, while still allowing a sufficient period for forward planning (e.g. from 2012). In that regard, Fife Council urges the Scottish Government to take steps to ensure that those Councils and other organisations that are currently progressing with work to reduce emissions are not penalised in future. In other words, the progressive Councils and other organisations would not benefit from the relatively low cost of initial emissions reductions measures from 2020, should that target date for reductions be retained, whereas Councils and other organisations, who are less advanced in this area, would benefit.

**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?**

Fife Council would support a limit on the number of carbon units that Scotland can purchase to avoid creating a disincentive for 'home' emissions reductions. The emissions account is a necessary reference. However, the "offset" mechanism makes meeting targets an end in itself and detracts from the aim of long-term sustainability. Wealthier countries should not be able to buy themselves out of reducing carbon units.

**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?**

Fife Council accepts this definition and welcomes the inclusion of emissions from aviation and international shipping.

Targets based on end user inventories would account for energy efficiency measures and renewable energy generation, as well as taking account of carbon generated elsewhere by our consumption in Scotland. The council also supports the reporting of emissions from consumption information as a parallel process to the achievement of emissions reduction targets and believes that this could prove to be a useful tool for informing the public of their role in reducing emissions worldwide through their consumption choices.

**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?**

Fife Council supports the above approach and encourages the early setting of parameters for the decision of whether and how a Scottish Committee on Climate Change should be created. This is a global issue that requires joined up thinking: if a Scottish Committee is established it will still need to work closely and positively with the UK Committee.

**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 monitoring and reporting are an important factor in assessing target achievement and need to be as detailed and accurate as possible. Fife Council supports the reporting set out and asks the Scottish Government to ensure that meaningful and efficient reporting is achieved by timely issue of guidance to facilitate the efforts of those bodies who will inform the reports. There may be resource implications attached to such reporting requirements and these should be addressed.

Fife Council suggests that reporting on meeting targets should include statements on sustainability and the way in which the achievement of elements of the Climate Change Bill targets, meets the aspirations of the Government and local authorities regarding the component parts – e.g. energy conservation, transport emissions, etc.

**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?**

Public bodies should have a duty imposed on them to take leadership on this agenda, but must be given the role and resources to do so effectively.

In order to ensure that public bodies are able to meet the duties imposed by the Scottish Government in relation to climate change, Fife Council encourages the allocation of realistic resources, clear guidance, and cross-reference between the reporting and scrutiny of the various elements covered to facilitate the successful execution of the duties assigned to public bodies. Clear duties and a "level playing field" would be preferable to vague expectations.

Local authorities' climate change duties could be supported 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". In order to ensure a real reduction in emissions, these improvements would need to work concurrently with local action plans.

The Scottish Government should encourage collaborative working between bodies (including through the community planning process as above) to tackle this challenge. Real progress will require joint efforts between the public, private and voluntary sector, and engagement with the public.

**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 Bill is correct to place a burden of duty on the Scottish Government in terms of producing a report and setting out achievable objectives and more importantly the necessary time frames within which adaptation proposals and policies will be introduced and duly measured. The early issue of guidance in those regards would be to the benefit of local authorities.

**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?**

Muirburn is a conservation activity which should consider broader sustainability, including preservation of wetlands and protection of soils. In setting additional regulation protection against loss of carbon from soils should be taken into account.

**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?**

Fife Council has already responded to the specific consultation that was effected in this regard. The Council's main concerns are that:

The proposals could be interpreted as turning over the control of substantial portions of the national forest estate to commercial interests at the expense of other benefits. This could potentially impact negatively upon biodiversity, access and other public benefits, and also upon the Forestry Commission's strategic priority to sustain sufficient regional presence to exercise policy development, exemplar and leadership roles.

While broadly in favour of Scottish Ministers having the ability to lease land and for the Forestry Commission to grant cutting rights, this should be on the advice of the Commission and on the basis of professional judgement taking into account all aspects to ensure a net public benefit. As outlined, the proposed arrangements could provide too much flexibility for leases and cutting rights to be entered into on the basis of purely financial considerations. Fife Council urges the introduction of formal safeguards that are adequate and effective in protecting public benefits in respect of nature conservation, public access opportunities and rights, and community involvement.

Fife Council does not wish to see a diminution in any public benefits as a result of changes in management responsibilities and forestry practices being undertaken by a third party. It is essential that the Commission retains appropriate accountability and have the necessary powers on behalf of the public for ensuring that any safeguards that are put in place are effectively applied, monitored and publicly reported through a process that is robust, accessible and transparent. The benefits establishing a not-for-profit trust to act as a potential delivery mechanism to invest the income from derived from leases and cutting rights are unclear. Moreover, there would be a number of governance issues that would require to be adequately addressed. More information on why this is the preferred option would have enabled a clearer view to be given.

In discharging its functions it would be essential to ensure that the proposed trust, and any other new proprietors, would be prepared to work with or be receptive to the views of local people and organisations.

An alternative approach might be to keep the national forest estate under direct public control and ownership, avoiding the ambiguities inherent in endeavouring to release capital while safeguarding public interest via a trust. It is unclear, given that the Forestry Commission is already a public body serving the public interest, why the Commission cannot undertake this re-investment role. In this instance might it not be more effective to use an existing body, extending its powers if needed?

A programme of increased forestation should not lead to emissions increases such as through disturbing peatland. The consultation paper makes reference to rigorous selection of appropriate areas in other contexts: a logical further step is the identification of an appropriate public interest body for such selection.

Developing supply chains for local markets is of high importance particularly in regard to fuel wood. With regard to renewables, there should be a presumption in favour of using wood for local heat.

Measures such as the Freight Facilities Grants to reduce road miles of timber are also important.

Consideration should be given to revisiting contracts where building operators are currently locked into high carbon heating regimes.

In addition to fuel, wood has enormous potential for lower-carbon buildings. Increasing the availability of wood for renewable energy should not be at the expense of research and development in improving timber quality.

Forest crofts and enhancing public transport to forests should not be overlooked.

In addition to carbon emissions, planting and felling should be planned with regard to climate change adaptation (particularly but not exclusively flooding) as well as other environmental, social and economic factors.

The Council wishes to underline its view that all developments that may arise in this regard will be subject to the normal planning process and will be considered in the light of relevant planning parameters. There should not be any presumption in favour of such development and all proposals must be considered on their merits as is the usual case.

**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 waste section of the Climate Change Bill sets out in detail the issues that should be covered in efforts and reporting. However the energy efficiency section of the Bill states there will be an action plan, with no parameters set. The elements of the energy efficiency action plan would benefit from being set out in the Act. For example, the energy efficiency action plan should be required to state for each proposal:

- The type of actions that will contribute to the reduction of energy associated emissions (similarly to the outline of efforts on waste later in the Bill);
- Resource implications and associated anticipated impact on emissions;
- Projected timescales for production and publication of relevant guidance, and monitoring and reporting requirements;
- Projected timescales for implementation and impacts.

Reducing emissions from energy use is an essential part of any attempt to tackle climate change. There is a real need for continual encouragement and engagement of all sectors of the community for real change to be achieved. It is submitted that it is only through the proper education of all these sectors together with their partners, that the Scottish Government will achieve target emissions reductions. To date, efforts to persuade organisations and householders to improve efficiencies and encourage behavioural change have produced varied results. Real change may require greater elements of compulsory action and improved financial input.

The fiscal and organisational improvement of energy conservation of new and existing buildings in Scotland is paramount. Clear links between energy efficiency and broader sustainability standards for existing housing stock in all tenures and buildings in other uses should be tackled, beyond the current reliance on Energy Performance Certificates driving of market forces to create improvements.

It should not be assumed that concurrent targets to eradicate fuel poverty and tackle rising fuel costs will contribute to carbon emissions reduction targets. Those policies may indeed not save any carbon as, instead, they facilitate increased warmth in homes, with less waste of energy but not necessarily less energy use (because homes are warmer). The Policy Memorandum makes reference to “possible carbon savings”, but no solution is suggested or even said to be required, and so Fife Council seeks clarity from the Government on how differentiations between carbon saving energy efficiency and fuel poverty energy efficiency will be made.

**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 gathering and use of such information could be useful for baseline setting and monitoring of government policy. However as noted in the response above, achievement of emissions reduction targets for both domestic and non-domestic buildings will require a marked increase in support/incentive schemes, and stronger regulation to facilitate actual energy efficiency improvements and emissions reductions.

**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?**

The Scottish Government could usefully explain how it proposes this duty to be translated and applied through planning policies and building standards, and the extent to which this duty is discharged through promotional policies or more stringent requirements. There is an obvious need to ensure the focus on minimising resources in conjunction with using renewable sources, both in relation to achieving high energy efficiency levels prior to installing renewable heat technologies, but also to ensure that refurbishment with such technology is taken into account in early refurbishment which could incorporate the renewable heat technologies at a later date.

Renewable technologies are not yet all at a point where they make economic sense for individuals or many organisations. Clear links should be established on existing resources, such as the Carbon Emission Reduction Target for domestic installations.

Fife Council also urges a clear plan relating the acquisition of fuel to ensure that broader sustainability is not disadvantaged by efforts to cut Scottish emissions, such as may be disastrous for world food production and globally as well as locally important habitats.

**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?**

Fife Council is of the view that the need to minimise waste at source cannot be overstated. Such minimisation, if complemented by similar action on the part of the retail sector, will produce significant and, therefore, meaningful benefits for society. The Council is of the further view, therefore, that the Scottish Government should take the lead in that regard also. It is also the Council's view that by doing so the Government would be augmenting and complementing the good work that is being done by local authorities by way of recycling. In short, what is required is a strong shift in focus from recycling to reduction of waste across all sectors of the community: public, commercial and industry.

The Council would welcome a consideration of "deposit and return" schemes, which work well in other countries and questions the degree of focus on carrier bags in proportion to the impact this will have on emissions targets.

Collection and separation of a broader range of dry recyclates (including bulky uplifts and dirty materials) at central facilities would improve performances but is likely to need central funding.

Procurement with carbon reduction in mind, should go far beyond recycled and recyclable materials. Procurement portals that public bodies are bound to use currently gives little weighting to sustainability, and indeed many procurement systems give no value to carbon impacts. Fife Council is currently trialling a methodology to build carbon into elements of procurement.

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

Fife Council is satisfied with this.

**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 submission.

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

Financially disadvantaged households and low/no profit organisations will find it difficult to attain efficiency targets without a major change in support/incentive schemes. In the longer run, such groups may benefit from spinoffs from mitigation such as better energy efficiency, fuel security and lower carbon transport but this will require planning and direction rather than reliance on an invisible hand or trickle down of benefits.

In addition to global and historical equity issues, failure to mitigate adequately would have significant equalities consequences: the tendency for many of the most vulnerable sectors of society to be sited in areas most at risk from flooding provides one example, as cited in Scottish Planning Policy 7: Planning and Flooding, Scottish Executive February 2004.

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

Fife Council encourages clearer consideration of broad sustainable development issues, and not solely a focus on carbon. This should be reflected in guidance, implementation plans and in reporting requirements.

The Council also believes that instead of traditional economic growth models, future sustainable economics should shift the focus from traditional industries to those based on environmental protection and energy efficiency. This comes from doubt that a growth model can indeed be sustainable, as mitigating and adapting to climate change will require decreasing consumption and emission producing activities, contrary to the aims of traditional economic growth models.

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

Until the actual detail of the targets/proposals/timescales and the 'how' of the implementation are developed, prior to the agreement of secondary legislation and setting regulations, it is difficult to comment on the real potential for the success of the Climate Change Bill.

As part of Fife's 2008/09 Single Outcome Agreement, an 'Ask' was submitted to the Scottish Government. This sought increased investment in measures to tackle climate change, highlighting that any substantial increase in implementation of community heating schemes would require new funding mechanisms such as grant funding for the required infrastructure. The November 2008 response from the Scottish Government cited the Climate Challenge Fund as a key part of the response to this. Fife Council urges further consideration of the costs of infrastructure to facilitate carbon emissions reductions as the Climate Challenge Fund is not open to local authorities, yet many communities will rely on the initiative, support, motivation and coordination by their local authorities to achieve the carbon reduction targets.

Fife Council believes that it is critical to ensure there is enforcement of the range of measures and clear associated penalties for failure. In many areas, such as private sector housing energy efficiency, a national joined up approach is essential. Throughout the Bill references are made to enforcement agencies and roles. Fife Council urges the Scottish Government to ensure that the units of measurement, plans and formats, timescales and standards applied are standardised, clear and draw on current best practice. This would be essential to minimise the burden placed on local authorities and to increase the efficiency of the monitoring and reporting systems employed.

Fife Council is concerned by the lack of acknowledgement of the impact of transportation in the Climate Change Bill. Even if the intention is to draw efforts to reduce emissions associated with transportation through other routes, this should be clearly stated in the Bill.

We should look at how we embed 'sustainability' as part of what we do in everyday life rather than always using it as a 'badge' to justify add ons. Sustainability should be intrinsic to everything we do; one example is developers not adding a few environmental benefits at the end to tick a box, but looking at it from the start of a project. To this end greater awareness raising and education would be beneficial, but the design of schemes and processes should also require consistent consideration of sustainability.

Another example of essential integration to achieve the Climate Change Bill targets is the development of clear links and relationships between carbon budgets and financial budgets. While Fife Council has started to tackle some of the challenges in this area, guidance from Government is essential to ensure a consistent value of carbon being adopted across organisations.

Fife Council reiterates the need for care in relation to carbon trading so that people are not encouraged to maintain current emissions and off-set this elsewhere. There must be a clear and consistent focus on reducing emissions.

An overall emphasis needs to be placed on a simplified message, effectively promoted and communicated to all individuals. Everyone has an important part to play in the areas of climate change, sustainability and energy conservation.