

## WRITTEN SUBMISSION FROM TIM BIRLEY

1. The Scottish Climate Change Bill is welcomed, including the commitments to reduce greenhouse gas emissions by at least 80% by 2050, and to set interim targets. These are both necessary but not sufficient for starting to make Scotland's contribution to the global process of reducing the impact of climate change.

2. It is vital that these commitments are backed up by duties within the Bill, so that there is the prospect of delivery. To do this, the Bill must itself:

- Be comprehensive in scope
- Impose duties on all public bodies to contribute, with provisions to provide support, and sanctions against non-delivery
- Make provision for a strategy setting out how the commitments and targets will be achieved
- Make provisions for public, rigorous and independent scrutiny
- Avoid making provisions for emissions trading and off-setting which enable evasion or displacement of the objects of the Bill
- Be set unambiguously in the context of contributing towards sustainable development.

### **Comprehensive in scope**

3. The most significant contributions to greenhouse gas emissions in Scotland arise from:

- The built environment: conditioning the environment of buildings, and moving people, goods and information between them
- Energy production, including generation and distribution
- Agriculture and food.

4. However, as improvements are made in reducing emissions from these sources, the proportion of emissions from international aviation and shipping are likely to grow. These too should be included with the emission targets.

### **Duties on all Public Bodies**

5. Public bodies have significant impacts directly and indirectly on greenhouse gas emissions, including the sectors identified in paragraph 3. While the Scottish Government can put forward legislation and provide resources, it cannot achieve reduction in greenhouse gas emissions alone. It is vital that the Bill imposes duties on public bodies to contribute to the Scottish targets, and does not leave this to subordinate legislation.

6. There is a special responsibility on local government, which has a key role in delivery. This arises through its responsibilities including, inter alia, for buildings, transport, town and country planning, waste management, and procurement. It also arises through its role in Community Planning Partnerships, and its remit for governance of its area. There should be duties not only for each Council to reduce its own emissions, but also a requirement for it to produce strategies to show how the emissions from its area will be reduced too.

7. An effective role model is provided by the success in improving municipal waste recycling. This has only come about through a combination of legislation (EU Directives transcribed into UK and Scottish requirements), coupled with regulatory requirements and targets, financial support from Scottish Government, and a threat of fines for non-compliance with the targets.

### **The need for a Strategy**

8. The Bill should require the production, monitoring and regular up-dating of a realistic strategy, or route map, to show how the greenhouse gas emission reductions will be met, and provision made for adaptation. This strategy should not be confined to the energy efficiency of buildings alone.

9. At present a variety of agencies in Scotland have signed up to desirable and ambitious commitments, such as Scotland's Climate Change Declaration, but many have little clear idea of how these will be delivered. While we do not have a command and control economy, without a strategy it will be impossible to mobilise the scale of activity required to meet the targets of the Bill. In practice this will need to extend to supporting and monitoring demonstration projects, and devising ways to ensure the replication of success.

10. An illustration of what happens without an effective strategy map is the UK commitment to all new houses being carbon neutral by 2016. The evidence on the ground is that there is as yet no significant UK development which is carbon neutral, and no prospect of the commitment being met. Even the few very worthwhile and pioneering developments underway have largely unresolved problems of additional costs, technical constraints and behavioural change implications.

### **Independent Scrutiny**

11. It is vital that the Bill incorporates provision that the targets, duties and requirements of the Bill are subject to scrutiny which is public, authoritative and independent. The UK Climate Change Committee does not have the capacity to address the separate legislative, institutional and cultural context in Scotland.

12. The Bill should establish a Commission, which should be answerable to the Scottish Parliament. For reasons set out below, that body should be a Sustainable Development and Climate Change Commission for Scotland. Scrutiny should not be left to a Non Departmental Public Body, with members appointed by and answerable to Ministers. Such bodies find themselves in the ambiguous role of "critical friend", where the requirement to be a friend inhibits effective independent critical scrutiny.

### **Avoid evasion or displacement**

13. In drafting the Bill, it will be necessary to be cautious and even sceptical about reliance on any provision for carbon trading or off-setting. It is true that the real price of carbon, i.e. the cost of the environmental damage it imposes, should be factored in, so that market prices are adjusted to internalise the externalities caused by greenhouse gas emissions. However, the risk is that measures have the character of religious indulgences, paying for the burden to be carried elsewhere and/or by someone else, and otherwise allowing business as usual to continue.

14. As a corollary, it is essential that in the reporting of greenhouse gas emissions, account is taken of the outsourcing of much of Scotland's material consumption: that the goods we import generate emissions elsewhere.

### **Sustainable Development**

15. Finally, the Bill should have regard for the intimate relationship between sustainable development and climate change, which are two sides of the same coin. Tackling climate change is not a separate matter, or one only affecting the environment, but it has intimate connections to economic wellbeing and social justice, i.e. it is an integral part of sustainable development. For this reason, the Commission set up to scrutinise progress on climate change should also scrutinise progress on sustainable development. These two should not be treated separately.

16. To illustrate the close connection:

- Trying to reduce emissions from buildings will be socially unjust if it does not take place together with, and as part of, tackling fuel poverty by providing affordable warmth for those on lower incomes;
- There is no tension between the long term need to tackle climate change and the short term need to tackle the recession. Both need investment in renewable energy, energy efficiency, public transport, urban and rural regeneration, and are fully consistent with a green jobs strategy, which has the potential to provide a myriad of jobs and training opportunities.

17. Public bodies in Scotland already have a statutory duty to contribute to sustainable development as part of Best Value. This is imposed by s1 of the Local Government in Scotland Act 2003, and on the wider public sector through a requirement for Accountable Officers flowing from the Public Finance & Accountability (Scotland) Act 2000. Although not yet effectively scrutinised by Audit Scotland, some Councils and other bodies are making progress. This should be built on, avoiding duplication and aiming to secure joined-up governance by ensuring that the duty to tackle climate change, advocated in paragraph 5 should be conjoined with these existing duties.

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