



Scottish Climate Change Bill Consultation Response from the Sustainable Scotland Network

22 April 2008

The Sustainable Scotland Network

The Sustainable Scotland Network (SSN) exists to support local authorities working together for a sustainable Scotland. SSN's members are the sustainable development officers and advocates from Scotland's 32 local authorities. The network provides Scottish local authorities with an effective support and improvement service on sustainable development. SSN is supported by the Scottish Government.

SSN's programme priorities are Best Value and Sustainable Development, Procurement for Sustainability, the Local Footprints Project (a partnership project with WWF Scotland) and Climate Change. SSN takes a 'one-programme approach' to these themes, ensuring that each reinforces the other and all contribute to the improved sustainability performance of Scottish local authorities.

On climate change SSN has been a leading organisation in the development of a Scottish Local Authority Climate Change Programme, which is a commitment in *'Changing Our Ways – Scotland's Climate Change Programme' (2006)*. SSN convened and chairs the Scottish Local Authority Climate Change Programme Development Group, the members of which are: the Scottish Government, COSLA, SOLACE, SSN, the Improvement Service, SNIFFER, Energy Saving Trust, Carbon Trust and the UK Climate Impacts Programme. The Development Group has been in existence since June 2006 and one of its key achievements was that it developed and successfully launched Scotland's Climate Change Declaration (see Appendix 1), with all Scottish local authorities signing up in early 2007. The Scottish Government confirmed its commitment to the Declaration at the SSN Conference in November 2007.

The work of SSN is guided by an active Steering Group, with members drawn from nine Scottish local authorities. The SSN is a programme of Keep Scotland Beautiful and the SSN staff team is based in the Keep Scotland Beautiful offices in Stirling. Keep Scotland Beautiful is an operating name of Environmental Campaigns (Scotland), a registered Scottish Charity (Scottish Charity Number SC030332).

Developing SSN's Response

The SSN has developed its consultation response through a participative process involving many local authorities and SSN members. This has included:

- Running a pre-consultation session at the SSN conference 2007, involving approximately 160 people.
- Organising a seminar on 20th March 2008, hosted by SDC Scotland and the Improvement Service, to address the issue of coordinated and consistent area-wide emissions measurements and tools. This seminar involved experts from the Stockholm Environment Institute-York, the Tyndall Centre and AEA, along with participants from a range of key organisations including the Scottish Government.

- Running a consultation workshop with representatives from 15 local authorities on 27th March 2008.
- Participation in the COSLA Climate Change Bill Task Group.

Response to Consultation Questions

TARGETS

Q1. Should a Scottish target be based on carbon dioxide only or the basket of six greenhouse gases?

The consensus within SSN is that the Scottish target should be based on the basket of six greenhouse gases (GHG). Information on the six gases is readily available in national emissions inventories, and the most comprehensive scope of greenhouse gases should be used to form the national Scottish target.

SSN members felt that for communication purposes, the Scottish Government should translate the basket of six greenhouse gases into a CO₂ equivalent (CO₂e) figure, which will be more easily understood by local authority members and officers, the public and the media. A CO₂e figure would also help encourage public understanding, engagement and action on climate change mitigation.

To ensure emissions factors used to determine CO₂e figures, SSN recommends an annual release by the Government of emission factors and their underlying assumptions. This would encourage transparency within each reporting period, and reduce confusion. However, SSN does not have enough expert knowledge to recommend the most consistent emissions factors. Advice from the Tyndall Centre or other experts should be sought.

The SSN would also welcome development of sector and local area targets and indicators (for example, local authority area, the public sector, transport, waste, etc) in order to monitor and account for reductions.

Ensuring a Focus on Consumption and Indirect Emissions - SSN's response to paragraphs 5.4-5.9 of the consultation paper.

Of particular relevance and interest to SSN members and local authorities is the ability to measure, monitor and influence Scotland's indirect/consumption based emissions. The SSN strongly believes that Scotland's consumption impacts must be monitored and reported. SSN advocates that the Scottish Government should commit to reporting on a consumption-based *indicator* alongside the production-based *target* (as favoured in the consultation paper). This would be in-keeping with the inclusion of ecological footprint in the Scottish Government's suite of national indicators.

SSN's view is that a profile of Scottish local authority direct and indirect emissions is essential for comparability and connection to the overall Scottish target and the ambition of Scotland taking a leadership role on climate change. There are several Scottish local authorities that are already developing suitable profiles for 1. operations emissions – derived from the Carbon Trust's Local Authority Carbon Management Programme quantifications or equivalent; and 2. indirect emissions – derived from participation in the Scottish Government-supported Local Footprints Project and the use of the REAP tool (and its Carbon Footprints database), or equivalent. A similar approach is being taken in the Local Government Performance Framework for England using NI 185 Percentage CO₂ reduction from LA operations and NI 186 Per capita CO₂ emissions in the local authority area (<http://www.defra.gov.uk/environment/localgovindicators/index.htm>).

On 20th March 2008 the SSN (in partnership with WWF Scotland) organised a workshop which brought together the leading indirect emissions tool and data providers; notably the Stockholm Environment Institute (REAP tool), AEA (DEFRA local indicators based on the NAEI data), and the Tyndall Centre (GRIP tool). This workshop was hosted by the Sustainable Development Commission in Scotland and the Improvement Service. The workshop clearly identified Scotland's unique advantage in measuring and modelling local authority area-wide indirect emissions. Specifically, the ecological and carbon footprint software tool REAP can be used by Scottish local authorities to model consumption emissions and policy interventions – allowing them to build targets to reduce community consumption emissions. The REAP model uses the same base-data as the English NI 186 (developed by AEA) and builds a more detailed consumption picture of the area. SSN believes that Scotland is uniquely placed to develop and use consistent, joined-up national and local emissions measures, using production-focused figures as the basis of a national target, and consumption-focused figures as a national and local indicator. SSN is currently liaising with Stockholm Environment Institute-York to agree development of the REAP software so that the integrated AEA production/NAEI-based figures are clearly identifiable. This development could then provide a single software platform for local area-wide emissions profiles that address consumption and production aspects whilst remaining in-step with national emissions data-sets. SSN would recommend that this approach be promoted by the Scottish Government, in partnership with individual local authorities and COSLA.

2. Should the Bill contain provisions to alter which gases are included, for example if the reliability of data for a particular gas improves or if science changes in the future about which gases cause climate change?

The SSN would recommend that the Bill does include provisions to alter which gases are included. However, alteration should only be made if independent scientific consensus requires this and if it is recommended by a highly respected body, such as the Intergovernmental Panel on Climate Change.

3. The Scottish Government wishes to ensure that the Bill gives sufficient incentives to invest in energy efficiency and renewable electricity. Should the targets be based on source emissions; an end-user inventory; or on individual targets for energy efficiency and renewable electricity? Do you have any other suggestions?

While the SSN understands why source (direct production) emissions are likely to form the measure for the national target, we strongly support an approach that accounts for and reports on our end-user emissions (both direct and indirect). This would give scope for important policy interventions to address consumption impacts and responsibilities. End-user information will be important in stimulating and guiding work on energy efficiency and renewable energy. Our comments and proposals on the use of the REAP software to support an end-user, consumption focus to the Bill are extremely relevant in supporting an end-user approach consistent with national targets and local area consumption profiles. SSN would also highlight that the Energy Saving Trust's Home Energy Efficiency Database (HEED) is a useful and developing resource and that HEED is integrated as a data-source in the REAP tool.

4. Do you agree that the Bill should allow the means of measuring the target to be changed through secondary legislation to reflect international developments or unforeseen consequences of the Bill?

The SSN suggests that it would be sensible to ensure that the Bill allow secondary legislation options for amending how the national target is measured. As in our response to question 3, we would want this to be based on sound, independent advice. This capacity would also allow a consumption-based emissions indicator to be adopted as a national target in the future.

5. Should the emissions reduction target take account of the abatement effort made by companies under emissions trading schemes? If so, how?

In principle the SSN would recommend that the emissions target should take account of the abatement effort made by companies under emissions trading schemes, in order that Scotland measures actual emissions. However, SSN does not have enough expert knowledge to determine the practical implications of this approach.

6. Do you agree that international credits should be counted towards Scottish targets? Should there be limits on credits counted towards Scottish targets?

SSN agrees that credits that count toward the Scottish target should be limited and that their use should be regarded as a 'measure of last resort', with emissions avoidance and emissions reduction given priority.

As the SSN strongly favours the use of consumption-based measures and indicators at both national and local level, the SSN would propose that the use of international credits could be linked to efforts to reduce our consumption emissions, by being targeted at reducing emissions up-stream in the supply chain where goods and services are produced, especially in poorer 'producer' countries. The SSN would urge the Scottish Government and local authorities to undertake further work into the potential of this proposal, which seeks to link the emissions impact of Scottish consumption with the use of international credits by Scottish organisations.

7. Should the Bill allow the level of the 2050 target to be changed through secondary legislation? If so, should this only be allowed on the basis of independent, expert advice, to reflect international developments or unforeseen consequences of the Bill? Should any changes to the target be limited to an increase in the target?

In line with our response to question 2, SSN believes that the Bill should allow the level of the 2050 target to be changed through secondary legislation, but that this should only be done on expert independent advice (such as that from the UK Climate Change Committee or the IPCC). Any revision of the 2050 target must be based on sound science and the Scottish Government would need to provide a clear, public explanation of why a revision needed to be made. Any revision would need to be subject to due process through Parliament.

SUPPORTING FRAMEWORK

8. What factors should be taken into account when setting the level of budgets?

The SSN view is that budgets must be set in order to limit cumulative emissions, seeking to avoid the widely recognised (i.e. IPCC, EU, etc) 'dangerous climate change' limit of 2 degrees centigrade rise in global temperatures. This equates to an aim of limiting global atmospheric concentrations to a maximum of 450ppm CO₂e. For more information on emissions projections and trajectories that could be used to inform Scottish budgets, please refer to the Tyndall Centre (see K.Anderson and A. Bowes). There should be a clear emphasis on setting ambitious targets for the early years of the Bill's introduction to ensure clear communication of its aims, and to comply with recommendations made by Tyndall Centre and IPCC scientists.

The SSN consensus view is that budgets should be aligned to sound climate change science and well-respected scenario models, and that budgets should be set in order to avoid 'dangerous' climate change. Budgets should not set in line with what is simply regarded as politically achievable or acceptable.

Setting and Managing Local Budgets

- The SSN would strongly support government action to divide up the Scottish emissions budget and give allocations to sectors or local areas. SSN opinion suggests that we need to get to the stage of having a clear understanding of individual local authority and local authority area 'carbon emissions budgets' which local authorities (and Community Planning Partnerships) can manage and influence. These budgets should address own-estate and area-wide emissions allocations, including production and consumption measures, and direct and indirect emissions. Many SSN members consider REAP-based budgets to be critically important to enable and encourage local authorities to engage with the consumption impacts of their communities and to take effective intervention through partnerships, policies and actions.
- Clear understanding and familiarity needs to be developed within government recognising that there is a spectrum of local authority powers that can influence greenhouse gas emissions. These range from direct control of own-estate emissions, through to area-wide decision-making, and on to community leadership and having a key influencing role. All functions are important and necessary, and SSN would stress that the biggest impact that local authorities can have will be in relation to area-wide emissions and that local authorities must be encouraged and supported in accepting responsibility and taking action in this area. REAP and the Local Footprints Project are widely regarded by SSN members as vitally important approaches to enable local authorities to measure and intervene in their area-wide emissions profiles.
- Sanctions for poor performance (blowing the budget) and incentives for good performance (coming in on budget or making additional savings) need to be identified and utilized effectively. Comparative local authority experience of the Landfill Allowance provides a good example of the interventions that are needed to stimulate progressive action by local authorities. 'Sticks' will remain critically important, matched with appropriate resources and investment ('carrots'), as has been the recent experience on waste and recycling.
- Many SSN members believe that making the links and relationships between carbon budgets and financial budgets clear and real will be vital. This could be progressed through guidance and by developing work related to the 'Shadow Price of Carbon' (as initiated by the UK Government).

9. How long should interim budget periods be?

In principle, the SSN would recommend 5 years as a reasonable timeframe for interim budget periods, primarily to give medium-term stability and in order to cross electoral cycles. Within the scope of a budget period, some SSN members would welcome annual targets being set, based on principles outlined in our response to question 8. Annual targets should seek to maintain progress on the trajectory set within the overall budget, and in line with sound science relating to cutting cumulative emissions.

10. How many years in advance should emissions budget periods be set in order to provide sufficient time to develop infrastructure?

With consideration to land-use planning and infrastructure development timescales in particular, as well as an appreciation of the timescales involved in effecting widespread public behaviour change, the SSN would recommend that a minimum of three budgets should be set, thereby giving a minimum 15 year planning horizon.

11. What should be the limit (in terms of absolute quantity or as a percentage of the budget period) on the amount of emissions which the Government can borrow from a following budget period?

In response to this question, the SSN would emphasise the benefit of early action and the need to balance budgets based on the overall objective of cutting actual cumulative emissions. However, if Scotland faces a budget 'over-spend', the Bill should require the Scottish Government to provide a commensurate policy response designed to enable improved emissions savings within the early period of the subsequent budget.

SSN recommends that a cap be placed on emissions that can be banked or borrowed from previous or future budget periods. SSN feels that banking and borrowing, if regulated and capped, can be useful, especially if cold weather or other unforeseen anomalies inhibit emissions reductions in a given year. As discussed in question 8, SSN recommends that sanctions and incentives for meeting budgets need to be identified and utilized effectively.

12. Should the Bill include an interim point target? If so, what year (or years) should it be for (2020, 2025, 2030, etc.)? How should the level be chosen?

SSN recommends that point targets should be used to stimulate decisive early action, to maintain political and economic momentum, and to aid public understanding, commitment and action (for instance, it is simply easier to respond to an early date than to 2050). Point targets should be informed by and in-line with budgets and trajectory, seeking to cut cumulative emissions to avoid dangerous climate change (see Tyndall and IPCC). There would be value in linking an interim target to timescales embedded in the UK Climate Change Bill, ie 2020.

Some SSN members would recommend that annual targets should be set in line with budget trajectories, and that the Scottish Government should be held to account via a robust Parliamentary process on an annual basis. Overall, the point targets should be made as near-term as possible, to help stimulate and support early action and rigorous political accountability.

SSN members are also supportive of sectoral and area targets (for example, local authority areas, the public sector, transport, waste) in order to better understand, monitor and account for reductions.

REPORTING SCRUTINY AND FRAMEWORK

13. Should the Scottish Ministers be required to report on any other issues related to climate change in addition to the requirements already set out? If so, what and how often?

SSN proposes that the Bill should require reporting on progress on adapting to climate change. This requirement could also be applied to local authorities, in step with developments in the Local Performance Framework for English local authorities, where NI 188 has been introduced. Reporting on climate change adaptation actions would also be in-keeping with local authority commitments in Scotland's Climate Change Declaration.

In line with our comments above on having a consumption-based national indicator, SSN would recommend that the Bill should require Scottish Ministers to report on this indicator. In addition, reporting should include explanation of the impact of the Scottish Government's policy interventions and plans for cutting emissions in the next budget period.

SSN is supportive of developments within the Scottish Government to develop a Carbon Balance Sheet for transport projects (to be active by 2010), and would encourage a similar means of

appraising and assessing policies and projects across the Government to ensure Ministerial reports are transparent and policy processes well-informed.

14. Is a process of Parliamentary scrutiny the appropriate way of holding the Scottish Government to account if targets or budgets are not met?

SSN believes that Parliamentary scrutiny is the appropriate mechanism for holding the Government to account on targets and budgets. However, this process must be informed by detailed analysis, involving scientific, scrutiny, policy and regulatory bodies. SSN does not think that there is an immediate need to create a distinct Scottish Climate Change Committee. However, SSN believes that good quality scrutiny is essential and this needs to include data analysts (like Stockholm Environment Institute, Tyndall Centre, and AEA), policy analysts (like Sustainable Development Commission), and scrutiny and regulatory bodies (like SEPA and Audit Scotland). There is a very serious issue of skills and resources required to ensure that this collection of analysts can work collectively to provide scrutiny and advice to the government. In time, this multi-stakeholder advice and scrutiny process may evolve into a suitable Scottish Climate Change Committee, which would work in partnership with the UK Committee.

15. What should be the primary source of advice to the Scottish Government for setting emissions targets or budgets and why? Options include: the proposed UK Committee on Climate Change, a new Scottish Committee on Climate Change, an existing public body in Scotland, or the Scottish Government itself.

SSN considers that it would be appropriate for the UK Climate Change Committee to be the prime source of advice to the Scottish Government, with possibility of developing a Scottish Climate Change Committee if distinct, unmet requirements arise within the period of the first budget. A Scottish Climate Change Committee could, for example, ensure that consumption/footprint matters related to Scotland are effectively addressed. Consideration should be given to the special role that the Sustainable Development Commission might play here. Likewise, AEA, Stockholm Environment Institute in York and the Tyndall Centre could also play key roles.

16. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

The Sustainable Development Commission (SDC) could play a critical role, working in partnership with key stakeholders and specialists. However, SDC Scotland's capacity on climate change would have to expand if it were to take on any new responsibilities in this area.

17. Which organisation should be tasked with monitoring the progress of the Scottish Government on reducing emissions and why? Options include: the proposed UK Committee on Climate Change, a new Scottish Committee on Climate Change, an existing public body in Scotland, or the Scottish Government itself.

As suggestion in 15 above

18. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

As suggested in 16 above.

19. Should additional independent mechanisms for scrutinising the effectiveness of the Scottish Government's policies in reducing emissions be created by the Bill (in addition to any scrutiny already provided by the Scottish Parliament)?

20. If so, which organisation is best placed to carry out this function and why? Options include a new Scottish Committee on Climate Change or an existing public body in Scotland.

As mentioned above, SSN believes that robust Parliamentary scrutiny is the most appropriate approach, while recognising that the UK Climate Change Committee and any Scottish Climate Change Committee would have to be openly and actively involved in the parliamentary process.

21. If it were to be an existing Scottish public body, which public body is most suited to carrying out this task and why?

No response.

22. Are there any other functions related to climate change, existing or new, which should be carried out at arm's length from the Scottish Government and why?

In its work with local authorities the Sustainable Scotland Network seeks to progress support in six key areas: Leadership, Legislation, Support Programmes, Culture Change, Scrutiny, and Resources. The Scottish Local Authority Climate Change Programme agenda seeks to address these six factors, with Scotland's Climate Change Declaration primarily securing local political and corporate leadership, and the likes of the Local Footprints Project and the Local Climate Impacts Profiles Project being examples of well-targeted support programmes.

The SSN would propose that the Scottish Government, in partnership with local government, should support work to address these six 'performance improvement' factors within the overall framework of the Scottish Climate Change Bill. Essentially, the Bill should give climate change action in Scotland a sound legislative footing, and this will need to be supported with action on leadership, support programmes, culture change, scrutiny and resources, especially within the public sector. Critical here will be strengthening capacity building and training on climate change issues for public sector staff and elected members, so that public sector 'climate change literacy' is improved. Likewise, linking carbon budgeting with public sector/local authority financial budgeting will be critically important.

It is clear from the progress made on the current 'Scottish Local Authority Climate Change Programme (SLACCP)' and with the SLACCP Development Group, that many of the key aspects of this broader approach exists within Scotland. Many are already playing a vital role in progressing public sector engagement and action on climate change. However, the Scottish Climate Change Bill provides a unique opportunity to recognize the importance of these wider support priorities and to factor them formally into the framework of the Bill.

QUESTION 23. Should the Bill contain enabling powers to introduce a duty on certain parts of the public sector (i.e. local authorities and large public bodies) to take specified actions on climate change or other specified environmental issues? Why?

The SSN view is that the Bill should contain enabling powers to introduce a duty on public sector bodies, notably local authorities and their Community Planning Partners. SSN members recognise the benefits that such a climate change specific duty would bring, notably in creating a level-playing field for all local authorities/public bodies on climate change mitigation (and adaptation) responsibilities.

Links to Scotland's Climate Change Declaration: Introducing a duty is regarded by the SSN as an important opportunity to ensure that the commitments in Scotland's Climate Change Declaration are embedded in legislation. The Declaration is regarded by the SSN as critically important, as it already has formal support from all 32 local authorities, both politically and corporately. SSN recommends that the Scottish Climate Change Bill should be used to place more emphasis on the Declaration and the commitments therein. Indeed, SSN members have noted that the universal support for the Declaration could be seen as more valuable in progressing work on climate change mitigation and adaptation than the Single Outcome Agreements (SOA), at least in the short-term, as these could well vary across local authorities due to local priorities.

Links to the Concordat, SOA and Best Value: SSN would propose that the power to introduce a duty should be viewed as an opportunity to develop such a duty (and associated guidance) through mutual respect and joint working between the Scottish Government and local authorities, in line with the Concordat. Duties and guidance should be well targeted and ‘fit for purpose’ and should be developed jointly by local and national government (with support from other organisations, including the SSN). It should be noted that the partnership working that developed the Best Value and Sustainable Development Toolkit (www.sustainable-scotland.net/bestvalue) is a good example of such joint working. The Scottish Government and local authorities should work within the framework of the Concordat and Single Outcome Agreements (SOA) to ensure progress on local government’s contribution to climate change targets. The introduction of a climate change focused duty (or a re-focusing of the duties within the Local Government in Scotland Act 2003) should seek to underpin the SOA and guarantee long-term commitment to action on climate change.

Some SSN members consider that the objectives of a climate change duty could be 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.

Outstanding Issues: Having outlined above the common perspectives of SSN members, there are some critical questions which remained outstanding and which we would like to draw to the attention of the Scottish Government. These included:

- Concerns about who would monitor a climate change duty?
- Requests to ensure clarity on how a climate change duty would link to SOAs and the SOA scrutiny and accountability regimes?
- Aggregation and negotiation – SSN members wondered how the contributions of local authorities to emissions reductions and adaptation measures would be aggregated and how associated sector/area targets and resourcing would be negotiated?

SSN would like to see these issues debated and addressed as the Bill progresses through Parliament.

QUESTION 24. What should such a duty (or duties) include?

The general SSN consensus is that it should be a duty to reduce greenhouse gas emissions from within local authority areas (including from a council’s own estate and operations) and to report on climate change activities and outcomes (i.e. greenhouse gas emissions). SSN would propose that consistent emissions profiles could be established based on the Carbon Trust’s Local Authority Carbon Management Programme (for local authorities’ own emissions) and on a combination of the AEA/DEFRA local area emissions inventory and the REAP tool from Stockholm Environment Institute (for area-wide emissions) – see comments above in response to Questions 1 and 8. The Tyndall Centre’s GRIP tool is also recognised by SSN as a valuable scenario-building tool, which is compatible with the AEA and REAP methodologies, and suitable for use by local authorities. More broadly, a duty on local authorities could be structured to embed in legislation the commitments in Scotland’s Climate Change Declaration, which all Scottish local authorities have signed up to support.

The SSN would propose that a duty should be based on the principles and commitments in Scotland's Climate Change Declaration, which is supported by all of Scotland's 32 local authorities. The duty should include:

- A duty to reduce the local authority's own-estate emissions, over which the local authority has direct control.
- A duty to measure, monitor and report area-wide emissions, using a combination of the AEA inventories and the REAP tool.
- A duty to collaborate with others (especially Community Planning Partnerships) to contribute to the reduction of area-wide emissions.

SSN would also welcome the inclusion of a duty to take adequate steps to address climate change adaptation within an overall local authority/community planning/public sector climate change duty.

QUESTION 25. Should the Bill contain enabling powers to introduce statutory guidance for certain public sector bodies (i.e. local authorities and large public bodies) on specified climate change or other environmental measures? Why? Are there gaps in any existing guidance?

The SSN would welcome more and improved Statutory Guidance on climate change. Therefore, the Scottish Climate Change Bill should contain enabling powers to introduce statutory guidance for local authorities and other public bodies.

Statutory guidance should stress the impact on 'public perception' that leadership and consistent action by the public sector, and local authorities in particular, can have. The guidance needs to encourage public bodies to 'walk the talk' on climate change, and guidance is needed to ensure that local authorities take well-informed steps forward, and in a coordinated, cross-service manner.

Climate change guidance issues reflect those concerns raised (above) in relation to climate change duties. Questions remain about who would oversee implementation and use of the guidance, and what sanctions and incentives could be used to improve performance.

QUESTION 26. What should this guidance include?

SSN members have identified a range of issues that guidance could address.

Local authorities will require robust guidance on the use of consistent emissions measures (as discussed above), and guidance on how local authority emissions indicators or target link with the national Scottish target, as well as the Government's national performance framework, national outcomes and Single Outcome Agreements.

Other issues on which SSN members would welcome guidance include the need for statutory guidance relating to all key local authority functions, including:

- transport and transport planning
- building standards and low-carbon development of the public sector estate
- waste management and zero waste objectives
- planning and the National Planning Framework
- procurement (including asset management and disposal)
- Development and improvement of public sector buildings will be critical in delivering on climate change objectives. Therefore, statutory guidance on standards expected within the public estate, addressing new and existing buildings, will be vital.

Guidance was also requested by SSN members on issues such as:

- life-cycle costing
- risk management
- investment planning
- consistent climate change tools and measurement
- carbon counting (production and consumption)
- carbon neutrality

SSN members would also welcome ‘overview guidance’ designed to map-out and join-up all climate change relevant policy initiatives and guidance.

Due to the importance of land management and protection of soils and ‘carbon sinks’, SSN members would welcome guidance on agriculture and forestry.

SSN members recommend that guidance on the standard reporting of emissions will be vital, to ensure consistency across local authorities and the public sector. SSN members recommend that reporting should be based on well-respected methodologies, data sets and tools, and in this regard the AEA/DEFRA local emissions inventories, the REAP tool and the Tyndall Centre’s GRIP tool were seen as extremely useful. Likewise, continued progress with the Carbon Trust’s Local Authority Carbon Management methodology would be important.

To further standardise reporting, SSN recommends an annual release, by the Government, of emission factors and their underlying assumptions. This would encourage comparable data within each reporting period, and reduce confusion. SSN does not have enough expert knowledge to recommend the most consistent emissions factors. Advice from the Tyndall Centre or other experts should be sought.

Related to the point on standard reporting, SSN would welcome guidance on constructing and managing local authority carbon budgets, including budgets for local authorities’ estates and the local authority area.

The Scottish Government experience of ‘internal carbon budgeting’ should be shared and issued as guidance.

Likewise a mapping of policy and powers was seen to be useful. This would map out what is in the purview of the Scottish Government or local government, and where a combined National-Local implementation is required.

The issue of developing local authority/public sector ‘climate change literacy’, through investment in training and capacity building is regarded by SSN as critically important. We need to develop standardised professional and decision-making methods to address climate change. This should involve officers and elected members.

Climate Change impact assessment and policy climate-proofing support, guidance and training were also recognized as common and important needs within local government. Guidance on this would be welcomed.

Making the links and relationships between carbon budgets and financial budgets clear and real will also be vital. This could be addressed through guidance and by developing work related to the ‘Shadow Price of Carbon’ (as developed by the UK Government).

SSN would also welcome statutory guidance on climate change adaptation.

QUESTION 27: Should the Bill contain enabling powers to create a requirement for certain public sector bodies (i.e. local authorities and large public bodies) to make regular reports on specific measures they are taking to tackle climate change (whether mitigation or adaptation) or other environmental issues? Why? What should be included in such reports?

Without a formal reporting requirement being created through the Bill, there will be little to encourage local authorities to measure and account for progress. Formal reporting requirements are to be strongly encouraged.

SSN recommends that this reporting requirement be based on the existing (voluntary) reporting system that has been developed through Scotland's Climate Change Declaration. The Declaration is already well understood and well supported (with voluntary support from all 32 local authorities secured). Formalisation of the Declaration would help realise its potential within the context of the Climate Change Bill.

To enhance its value, the Declaration should be:

- Extended to the wider public sector (to ensure parallel reporting mechanisms, aims etc). There was uncertainty about the use of the term 'certain public sector bodies', and a suggestion that this be replaced with 'all public sector bodies'.
- Made more robust through a greater emphasis on hard data. It should be allied to a uniform tool for councils' establishment of GHG emissions baselines, targets and reductions (a standard is required for both what is measured and how it's measured).
- Requiring reporting on GHG emissions reductions on both Council's own estates and area-wide emissions. While the complexity of reporting on (and directly impacting) the latter is acknowledged, the role of the Bill in pushing this agenda forward is to be welcomed. Reporting on a Council's own emissions alone is not commensurate with the admirable targets to be established through the Bill
- Reporting on consumption data as well as direct source emissions is necessary to provide Government, local authorities and communities with an accurate record on local government progress.
- Requiring reporting on processes toward achieving GHG emissions reductions as well as actual emissions reductions would be useful. This could consist of a council-wide checklist to ensure monitoring of cross-service delivery of GHG emissions reductions and improved adaptive capacity. This could be similar in format to the Sustainable Scotland Network's Best Value & Sustainable Development Toolkit (www.sustainable-scotland.net/bestvalue), and could encourage reporting on council activity that hinders climate change mitigation and adaptation as well as activity that is progressive.

The general view from SSN members is that, in principle, reports should be issued from local authority Chief Executives to COSLA and from there to central Government. However, exact reporting processes will need to be developed mutually by Scottish Government and local authorities, in-line with the principles of the Concordat and Single Outcome Agreements.

There is an emphasis within Scotland's Climate Change Declaration for local authorities to work with others in the community and collaborate with other organisations. The SSN would welcome an agreed mechanism through which Community Planning Partners can sign Declaration 'supporting statements', similar to those developed and used within the Scottish Borders and City of Edinburgh

Community Planning Partnerships. These supporting statements would require climate change reporting.

SSN would highlight that any new reporting requirement will create capacity issues in local government, particularly in regard to monitoring and influencing area-wide emissions (through planning, transport, housing etc). Cross-service training for local authority officers will be essential, akin to that currently being provided by the Local Footprints Project, the Carbon Trust and the Energy Saving Trust.

QUESTION 28 - As a potential non-legislative measure, should current Best Value guidance be amended to take specific account of climate change mitigation and adaptation? If so, how should Best Value guidance be amended?

SSN supports the cross-cutting emphasis on sustainable development that has been established through the Local Government in Scotland Act 2003. Sustainable Development should remain as a duty, and climate change activity toward both mitigation and adaptation should be emphasised beneath this. The Local Government in Scotland Act should be emphasised as a mechanism for establishing climate change as a corporate concern, which needs attention across all services and competencies.

If climate change is brought more formally into the Local Government in Scotland Act regime, it should be emphasised across the board, not as a stand-alone issue. Climate change mitigation and adaptation are key to asset management, human resources, performance management and equalities concerns that also sit within the Local Government in Scotland Act.

If the current Best Value guidance is strengthened to address climate change more directly it should be done in very specific, service-focused, ways. The existing Best Value & Sustainable Development Toolkit (www.sustainable-scotland.net/bestvalue) could be a basis for this. Any such guidance will need to be supported and utilised by Audit Scotland.

There is a concern that, to date, Audit Scotland has not equipped or focused its audits well enough to thoroughly scrutinise local government action on either sustainable development or climate change. This situation needs to be remedied by raising the profile of sustainable development and climate change within the best value regime, leading to an up-skilling of Audit Scotland staff, or by encouraging Audit Scotland to bring in expert support in these areas. We understand that the Best Value and Community Planning audit is inherently broad in its focus and that the related audit process has been evolving. We would encourage further and faster steps in these directions, giving more priority to sustainable development and climate change performance review and improvement.

SSN members have reported uncertainty as to the relationship between SOAs, the Best Value regime, new duties and new reporting requirements. SSN would therefore request clarity and simplicity in the reporting hierarchy, and a clear explanation of their interaction.

QUESTION 29: Are there any amendments to existing legislation or any enabling powers needed to allow for variable charging (for example by local authorities) to incentivise action or eliminate perverse incentives?

The SSN agrees that enabling variable charging would allow both national government and local authorities to determine which charges (and incentives) are necessary to help meet budgets and targets. The SSN supports the principle of giving local authorities powers to use variable charging. However, we do not have the expert knowledge to determine whether existing legislation or enabling powers need amending in order to secure this power.

SSN members have discussed that variable charging would allow flexibility for the different contexts (e.g. rural or urban) that each authority finds itself. There is general agreement within the SSN that the Scottish Government will need to provide leadership here, and may need to set national charges to 'level the field' and take the pressure off local politics.

QUESTION 30: Are there any provisions to help Scotland adapt to the impacts of climate change which should be included in the Scottish Climate Change Bill?

The SSN would welcome a requirement to report on a climate change adaptation indicator. This should relate less to the number of adaptation measures taken, but rather to the *process* of developing and taking action on adaptation. The indicator should focus on reporting 'due process' that demonstrates that local authorities and Community Planning Partnerships are taking adequate responsibility for the adaptation agenda. The development of NI 188 in the National Performance Framework for English local authorities provides a useful template for a suitable adaptation indicator for Scottish public sector/local authorities. The SSN would suggest that development of Local Climate Impacts Profiles and the use of UKCIP08 tools will be key factors in any local 'due process' on climate change adaptation.

As reflected in our response to questions on duties listed above, the SSN is unsure whether the adaptation requirement needs to be a new duty or if it can be incorporated into the Local Government Act (Scotland) 2003 regime.

SSN members are of the opinion that the SSN Best Value and Sustainable Development Toolkit should be used more explicitly by local authorities to ensure adaptation measures are being integrated into policy and development decisions. Updating the Toolkit to ensure that local authorities can report on a 'process indicator' would be very useful.

QUESTION 31: Should provisions within the Environmental Assessment (Scotland) Act 2005, be amended in order to provide clearer links with emissions reduction? If so, how should this be done?

SSN considers Strategic Environmental Assessment (SEA) to be a potentially very valuable process through which consideration of climate change impacts can be integrated into, and assessed, across all public sector strategies, plans and programmes. However, the consensus within SSN is that the Environmental Assessment (Scotland) Act 2005 does not clearly address GHG emissions, nor does the SEA process address climate change issues rigorously enough, especially in terms of cumulative effects of plans, programmes and strategies.

Impact on 'climatic factors' can trigger an SEA, but this trigger does not explicitly include GHG. Therefore, council policies that may impact GHG are not necessarily considered in the SEA process. Changing the Act's provisions would allow the Scottish Government to define what is considered to be a 'significant level' of GHG emissions to trigger an SEA.

However, SSN members do not think that amending the Act would necessarily alleviate these issues, and that changing the Act could prolong the need for urgent action. Therefore SSN's recommendation is to update, refine, enhance and improve the SEA Gateway Toolkit and Guidance to be more specific on climatic factors, so that climate change issues (especially GHG emissions) are addressed clearly, thoroughly and with better understanding of long-term, cumulative impacts. The capacity of those dealing with SEA should be improved so that climate change impacts can be addressed in a more systematic and comprehensive manner.

If improving SEA capacity, the SEA Toolkit and SEA Guidance does not result in improved assessment and influence on public sector plans, programmes and strategies, then amendment of the

Environmental Assessment (Scotland) Act 2005 may prove necessary. In this regard, SSN would support legislative change if the aforementioned 'softer' approaches did not result in climate change impacts being thoroughly addressing through the SEA process.

The SSN is also of the opinion that there is a need for a regulatory role for SEPA, as a consultation body, to scrutinise the GHG impacts in the SEAs. Likewise, there may be a similar role for SHN with regards to soil emissions impacts related to land use and land use change.

APPENDIX 1 – Scotland’s Climate Change Declaration

Scotland’s Climate Change Declaration

We acknowledge that

- Climate change is occurring and human activities are having a significant negative and potentially dangerous influence.
- Climate change will have far reaching effects on Scotland’s people and places, impacting on our economy, society and environment.
- There are significant social, economic and environmental benefits in taking action to combat and prepare for climate change.
- We all in Scotland have duties and responsibilities to take action to both mitigate and adapt to climate change, and to promote the sustainable development and well-being of our local communities.

We welcome the

- Scottish and UK climate change programmes and targets for the reduction of greenhouse gas emissions.
- Opportunity for local government in particular and other agencies, businesses, voluntary and community organisations and individuals to show leadership at a local level to respond to climate change.
- Opportunity to address climate change by promoting the sustainable development of our local communities.

We commit

from this date

COPY

to

- Work with the Scottish Government and the UK Government to contribute to the delivery of Scotland’s and the UK’s climate change programmes, including to reduce greenhouse gas emissions and to adapt to future climate change scenarios.
- Produce and publicly declare a plan, with targets and time-scales, to achieve a significant reduction in greenhouse gas emissions from our own operations. This will include our energy use and sourcing, travel and transportation, waste production and disposal, estate management, procurement of goods and services, and improved staff awareness.
- Ensure that greenhouse gas reduction and climate change adaptation measures are clearly incorporated into our new and existing strategies, plans and programmes, in line with sustainable development principles.
- Assess the risks and opportunities for our services and our communities of predicted climate change scenarios and impacts, and take action to adapt accordingly and in line with sustainable development principles.
- Encourage and work with others in our local community to take action to adapt to the impact of climate change, to reduce their own greenhouse gas emissions and to make public their commitment to action.
- Publish an annual statement on the monitoring and progress of our climate change response, detailing targets set, actions taken, outcomes achieved and further actions required.
- Collaborate with other organisations to promote good practice on climate change mitigation and adaptation.

We acknowledge the increasing impact that climate change will have on our community, Scotland and other countries during the 21st Century and commit to tackling the causes and effects of a changing climate within our local area.

Signatories

_____ Council Leader _____ Chief Executive

Scottish Ministers welcome this declaration and will work in partnership with the signatories and their representatives to support the delivery of these commitments.

Cabinet Secretary for Finance and Sustainable Growth

