

Consultation on proposals for a Scottish Climate Change Bill

Response from the Environmental Association for Universities and Colleges – Scotland Branch (EAUC-S)

BACKGROUND

The Environmental Association for Universities and Colleges¹ is a UK-wide network of over 230 Further and Higher Education institutions. Established in 1995 the association is the Sustainability Champion for the sector, providing support and guidance to practitioners in Estates, Health & Safety and related support services and tutors providing courses in Education for Sustainable Development.

EAUC Scotland branch has been identified as the “one-stop-shop for all 60+ Universities and Colleges in Scotland and since 2005 has delivered a Campus Sustainability Programme² (CaSP) aimed at building capacity in the sector on energy efficiency / carbon management, waste minimisation / recycling, campus biodiversity, sustainable procurement, sustainable construction, Education for Sustainable Development and on corporate social responsibility.

Through this engagement with the operational staff on the ground, senior managers leading the institutions and the other agencies funded to assist all parties achieve a Greener Scotland, the association has a unique perspective on how change can be achieved in the tertiary education sector.

PRINCIPAL RESPONSE

The Association is concerned that the predilection for discussing and defining the challenge – and now the overweening emphasis on setting targets etc – may distract both strategic and operational managers taking everyday decisions ... from the imperative to determine whether each spend or investment decision contributes to or detracts from the objective of a low carbon Scotland.

Our observation is that small simple measures, exhortation campaigns for switching etc are really little more than palliatives. What is required is very serious investment in the fabric of our buildings and in the energy supply systems feeding them. We are very concerned that the brave posturing implicit in the consultation and the Bill will fall very flat if there is not a very serious re-allocation of resources – both financial and human – charged with de-carbonising our built environment and transport system.

We challenge the government and the elected representatives scrutinising the Bill as it makes its way through Holyrood to seriously consider how these extremely ambitious targets can really actually be achieved? Our experience has been that literally £ millions of investment are required in the very utilities infrastructure of our campuses to move towards a higher efficiency and truly decentralised heat and power provision for our estates.

Resources are required now to invest in enhanced insulation standards envisaged for 2017 when new buildings are supposed to be designed as “carbon neutral” whatever that means. Our concern is that – through the normal estate maintenance cycles, through low key refurbishments of 1960s buildings and through a myriad of small decisions for major replacements of aging boilers etc – we are currently forced to spread the resources so thinly that there is no opportunity to massively enhance the energy efficiency of a building – as is clearly essential if we are to anywhere near achieve the targets.

We strongly urge that consideration be given to a very substantial review of what is actually possible now to change the short-term approach inherited and to re-prioritise investment to achieve exceptionally low carbon buildings and services.

Most importantly of all is the potential for enjoining the intellectual capacity of Scotland’s University’s & Colleges in tackling climate change. We strongly urge that the bill provides - in an appropriate way - clear encouragement of both Further and Higher Education contributions to tackling climate change. This should be our sector’s unique contribution beyond providing action on campus. For EAUC we shall be collaborating with others in support of Scotland’s Principals’ Climate Commitment.

¹ Environmental Association for Universities and Colleges www.eauc.org.uk

² Campus Sustainability Programme www.eauc.org.uk/campus_sustainability_programme

TARGETS

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

It should be based on the basket of six greenhouse gases to ensure that land-management practices are covered adequately by the Bill. While “carbon” may be the shorthand term used CO₂e should be the currency used.

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 Bill should be responsive to changes in our scientific knowledge – provision should be made to accommodate this.

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?

Targets should be based on source emissions, covering all point and diffuse sources of greenhouse gases.

Individual targets for energy efficiency and renewable energy should also be included to ensure that supply / demand issues are integrated.

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?

Again we believe that the Bill should be responsive to changes in national and international circumstances but not if this means watering down of targets. Targets for greenhouse gas reduction could be increased in response to say, improvements in technology, but not *vice versa*.

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

Generally we’re not in favour of those trading schemes that involve companies’ trading a quota of unused energy generation / use with another which is in excess of its target – this simply moves the problem around and does not necessarily result in an overall reduction in greenhouse gas generation. Schemes that invest in carbon reduction measures in developing economies and in renewable energy generation are laudable and the Bill should introduce measures to support them.

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

Given the negligible nature of Scotland’s overall contribution to global greenhouse gas emissions and the extent to which Scotland’s Climate Change Bill is a gesture, albeit a very creditable gesture, we believe that international credits should be excluded from the Bill.

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?

Changes to the target should be limited to an increase in the target.

SUPPORTING FRAMEWORK

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

Setting a budget of a binding reduction in greenhouse gas emissions of 3% per annum would send out a clear statement of intent and EAUC (Scotland) commends this to you. Such a target would give impetus to the Bill allowing early years reductions generated by no-cost / low-cost measures to be compounded paving the way for investment intensive measures that will inevitably be required later in the life of the programme.

9. How long should interim budget periods be?

Interim budget periods should be set at 5 years to fit with UK Climate Change Bill periods. Given that Scotland is a net exporter of power to the rest of the UK end-user measures applied by the UK Bill must be aligned with the Scottish Bill.

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

A minimum of 20 years bearing in mind the timescales required to develop and commission new generation plant in renewables and urban decentralised energy sources.

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?

To accept any form of borrowing between budgets would potentially defeat the purpose of the Bill – the thin end of the wedge some might say. Banking on the other hand will create an incentive to over-perform during the early stages of the Bill and this benefit will be compounded in future budget periods.

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?

The interim point target should be as early as possible preferably 2020 or earlier. The point target should represent a reduction in emissions of 3% per annum compounded for the number of years (10 years) the target has been running.

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?

The extent to which other Scottish Government functions contribute towards meeting greenhouse gas targets e.g. National Waste Strategy; Transport; Agriculture; Education; etc. should be reported by each department at the end of each interim budget period.

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

Parliamentary scrutiny would appear to be the principle way to hold the Scottish Government to account. However an international process of scrutiny led by IPCC or UNEP would add rigour / credibility. This is preferable to a purely in-house scrutiny procedure.

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.

There's no point in re-inventing the wheel. The UK Committee on Climate Change supported by the Scottish advisory bodies – Scottish Environment Protection Agency, the Sustainable Development Commission and Audit Scotland – or a joint committee comprising these would seem to be the most elegant solution.

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

SEPA – with support from Sustainable Development Commission Scotland – as they have the greatest hands-on experience of the uniquely Scottish situation.

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.

Audit Scotland supported by Scottish advisory bodies – Scottish Environment Protection Agency and the Sustainable Development Commission– or a joint committee comprising these.

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

Audit Scotland

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)?

Independent audits

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.

Audit Scotland

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

Audit Scotland would provide a dispassionate / independent overview of progress towards meeting climate change targets.

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?

The extent to which other Scottish Government functions contribute towards meeting greenhouse gas targets e.g. National Waste Strategy; Transport; Agriculture; Education; etc. should be reported and independently audited at the end of each interim budget period.

SUPPORTING MEASURES

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 Bill should encompass powers to enforce large publicly-funded bodies to make a climate change commitment that is subject to external scrutiny and embodies clear targets for a reduction in energy consumption.

Initially publicly-funded bodies should be required to benchmark their environmental performance in specific areas: Energy Consumption; Transport; Waste; Resource Use, etc. and submit the results of this to a national database and in order to draw up sectoral benchmarks. These bodies would then set binding targets according to their existing performance and repeat the benchmarking exercise annually in order to measure progress. Annual reports would then be drawn up for submission to governing bodies and the Scottish Government.

Clearly those bodies that have already substantially reduced their carbon footprint by taking no-cost and low-cost measures to improve performance could be disadvantaged under this arrangement because further improvement could only be achieved by capital / technological investment. It is essential therefore that such pro-active good practice is recognised and rewarded, perhaps by direct funding while those institutions that have not embraced the principles of sustainable development are encouraged to take simple good housekeeping measures in the first instance.

The University and College sector in Scotland has already been pro-active in this regard by preparing a Scotland's Principals' Climate Commitment.

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

(See 23 above)

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?

Appropriate Guidance already exists. The problem is that it lacks either compulsion or financial incentive. Good practice is currently sporadic and isolated. There is little incentive, financial or otherwise, to follow guidance and organisations may disadvantage themselves in doing so.

Investment funding – supported by guidance – should be made available and applied. Incentives and penalties should be employed in equal measure in order to create a level playing field.

26. What should this guidance include?

New guidance should focus on the means by which public sector bodies can realise the targets imposed by the Climate Change Bill specifically: Benchmarking performance; setting targets; allocating investment funds; implementing low carbon strategies; environmental reporting; environmental management systems.

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?

Yes (see 23 above)

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?

Best Value Guidance should be continuously updated in accordance with changing circumstances. The sustainable development agenda is moving forward very rapidly – best practice becomes common practice within a very short period of time, see for example the Scottish Executive's Best Value and Sustainable Development Toolkit (2007).

The problem lies not with the public sector bodies that engage with the Best Value Guidance but with those that do not. Unless 100% engagement can be achieved with ALL publicly-funded bodies – not just local authorities – progress will remain sporadic and piecemeal. Achievement of specific targets will continue to fall on those public sector bodies that have already embraced Best Value Guidance.

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?

No comment

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?

Scotland's unique environment and rich patchwork of habitats provides a substantial carbon sink which acts to mitigate the effect of greenhouse gas emissions. Blanket bog, carbon rich soils and measures to restore the Caledonian forest all contribute to a reduction in Scotland's Footprint. Provisions should be put in place to further conserve these national treasures against climate change, development and inappropriate land-use practices. Damage to these vulnerable areas would inevitably lead to acceleration in climate change and global warming.

The Bill should include provisions to much more effectively alert public and private organisations to the need to prepare Adaptation Strategies for all their activities – especially their buildings. For example the need to review capacity for coping with more severe downpours is one simple case.

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?

There should be a clear carbon accounting for all major infrastructure decisions – with the emphasis on the need to promote policies and plans which significantly reduce Scotland’s carbon footprint.

Currently EIA for renewable energy development has tended to focus on the environmental, landscape, wildlife, visual, impacts of such schemes, i.e. the disbenefits and there have been numerous high profile rejections of renewable developments in the planning process. This fails to address the wider issue of the long term global benefits such development will deliver. Everyone is in favour of renewables in principle but we all find a reason to object in practice.

The Bill needs to introduce, and apply, some form of “Ecological Accounting” that more accurately reflects the whole project environmental costs. Local small renewable schemes – local power for local people – should be largely freed of restrictive planning constraints.

Large scale renewable development that envisage an increase in the energy Scotland exports rather than replacement of existing carbon intensive generation stock should be viewed with a degree of scepticism. Problems such as the “Giant Pylons” network should be included on the environmental balance sheet.

Greater emphasis on Decentralised Energy opportunities should be explored more fully and long-term investment funds allocated to provide suitable infrastructure. In summary we believe that Environmental Assessment should be more ecological – more holistic.

32. What are the equalities implications of the measures in the proposals for the Scottish Climate Change Bill?

No comment

33. Is there any existing legislation within the competence of the Scottish Parliament (devolved) which needs to be amended so that appropriate action on climate change can be taken by sectors in society?

The proposed Climate Change Bill has implications for all legislation within the competence of the Scottish Parliament. To this end a review should be commissioned to explore the ramifications of the proposed Bill. Agriculture, Land-use, the National Waste Strategy, Transport, Education (Learning for Our Future), Health, Nature Conservation, Water, etc. all have the potential to make substantial contributions to national Climate Change targets and the Scottish Government needs to mobilise this potential.

This will require a change to traditional patterns of governance to a more joined-up, holistic system, a system where inter-departmental communication becomes the norm. The Climate Change Bill should be used as an umbrella under which disparate arms of government can be unified.

An enabling Bill that will need to be considered in all subsequent legislation, after all as stated by the United Nations Educational Scientific and Cultural Organisation (UNESCO), ‘there can be few more pressing and critical goals for the future of humankind than to ensure steady improvement in the quality of life for this and future generations, in a way that respects our common heritage – the planet we live on.’

[List of Questions from <http://www.scotland.gov.uk/Publications/2008/01/28100005/0>]

Response drafted by John Salter on behalf of EAUC (Scotland) Committee and revised by David Somervell before submission 23/04/08

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1. Are you responding: (please tick one box)
- (a) as an individual go to Q2a/b and then Q4
- (b) **on behalf of** a group/organisation go to Q3 and then Q4

INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

- 2b. Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No