

Response to the Scottish Government's Climate Change Bill consultation paper

Scottish Environment LINK

September 2017



Summary

The new Climate Change Bill is an opportunity for Scotland to show leadership and ambition by setting a net-zero greenhouse gas emission target for 2050.

The Bill should contain ambitious interim targets, committing Scotland to early action on climate change.

The Bill should require annual reporting on greenhouse gas emissions associated with the goods and services we consume, alongside our domestic emissions.

The Bill should address the need to better integrate biodiversity into energy and climate decisions.

Planning should be tightened so that all development granted consent are helping to progress the new climate change targets.

The Bill should address the need to reduce emissions from land use by strengthening the Land Use Strategy and setting a nitrogen budget for Scotland.

The Bill should set targets for the amount of carbon stored and protected in the Scottish Marine Area.

The Bill should make a commitment that the transition will be a Just Transition in order to ensure that the potential social and economic benefits are realised.

Introduction

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. LINK members welcome the opportunity to comment on this consultation.

1. Do you agree that the 2050 target should be made more ambitious by increasing it to 90% greenhouse gas emission reduction from baseline levels? Yes No (please explain your answer)

- **No. A target of net-zero greenhouse gas emissions for 2050 should be set.**
- For Scotland to retain its reputation as a world leader in tackling climate change, it needs to be bold, adopting a target that sends a strong message to other developed nations. The Paris Agreement includes a global aim of net-zero GHG emissions in the second half of this century. Reflecting their duty under Climate Justice, developed nations need to take a more ambitious path than less developed nations.
- The UK Climate Change Committee (UKCCC) report on UK action following the Paris Agreement stated that, in order to align more closely with the 1.5° C ambition, an 89 – 97% reduction in greenhouse gases on 1990 levels is needed for 2050. We recommend the highest end of this spectrum is followed to show international leadership and live up to our climate justice goals.
- Other countries and states have already set net zero targets (e.g. Swedish Climate Law) but they build in significant flexibility mechanisms. Scotland has an opportunity to remain truly world-leading by setting a net zero target almost entirely delivered through domestic effort.
- The UKCCC recommendation of a 90% reduction pathway, is based on foreseeable scenarios in terms of technologies and development; but recent experience has shown technology development far outstripping expectations. We believe that the ambition of our climate targets should be shaped by what climate science and climate justice demands in terms of a fair contribution to international targets, not restricted by the limited vision of perceived technology capabilities.

2. Do you agree that the Climate Change Bill should contain provisions that allow for a net-zero greenhouse gas emission target to be set at a later date? Yes No (please explain your answer)

- **No**, as discussed above, LINK members believe the Climate Change Bill must set a net zero target immediately. There is no need to wait for a later date. In 2009, the 2020 and 2050 targets were set on the basis of what climate science showed was necessary to meet a 2°C goal, with no defined pathway to deliver them. At that time the 42% reduction was considered the most ambitious legal target in the world, yet we are on track to comfortably meet it. The Scottish Government should take the same bold approach now.

3 a) Do you agree that the 2020 target should be for greenhouse gas emissions to be at least 56% lower than baseline levels? Yes No (please explain your answer)

- **Yes**, LINK members support a 2020 target of at least 56% lower than baseline levels.
- The target of 56% using the new proposed accounting system is roughly equivalent in terms of emissions reduction effort as demanded by the 42% target in the current Act. Although ambition should be increased, the new Act is not expected to become legislation until 2019 and therefore ramping up the 2020 target would not be wise.

b) Do you agree that a target should be set for greenhouse gas emissions to be at least 66% lower than baseline levels by 2030? Yes No (please explain your answer)

- **No**, the target for 2030 should be approximately 77% lower than 1990.
- Science is clear that action in the next decade is vital if we are to avoid the most dangerous impacts of climate change.
- The proposed 66% target for 2030 represents a very small increase on the target already set for that year. We need to be more ambitious.
- Widely internationally accepted and peer reviewed Rockström¹ analysis suggests a halving of emissions every decade in order to reach net zero by 2050. Applying this to the latest inventory for 2015 suggests Scotland should be reducing emissions by 77% by 2030. This is also consistent with Fair Shares analysis².

c) Do you agree that a target should be set for greenhouse gas emissions to be at least 78% lower than baseline levels by 2040? Yes No (please explain your answer)

- **No**, the target for 2040 should be approximately 90% based on Rockström's analysis.

4. Do you agree that annual emission reduction targets should be in the form of percentage reductions from baseline levels? Yes No (please explain your answer)

- **Yes**, we agree that annual emissions reduction targets should be in the form of percentage reduction from baseline levels as this is more easily communicable to the public, ensuring consistency between annual and interim targets.
- A move to % targets facilitates inclusion of inventory changes and changes to the baseline GHGs in 1990, based on improved science.
- In order to track absolute progress and to allow for comparison with previous results, the absolute figures should also be included in annual reporting. It is also important to not lose the link to an overall global and domestic carbon budget. Therefore, we need to ensure that the Climate Change Bill includes a review mechanism to tighten % based targets if inventory revisions indicate that cumulative emissions are significantly greater than those required for a fair and safe cumulative emissions budget for Scotland.

5. Do you agree that annual targets should be set as a direct consequence of interim and 2050 targets? Yes No (please explain your answer)

- **Yes**. Annual targets should be set as a direct consequence of interim and 2050 targets, which we have advised should be 77% by 2030, 90% by 2040 and net zero by 2050. This should result in a curved trajectory over time and an emphasis on more valuable early action to reduce emissions.

¹ <http://www.stockholmresilience.org/publications/artiklar/2017-03-27-a-roadmap-for-rapid-decarbonization.html>

² <http://www.climatefairshares.org>

6. Do you agree that all emission reduction targets should be set on the basis of actual emissions, removing the accounting adjustment for the EU ETS? Yes No (please explain your answer)

- **Yes**, LINK members support a change to setting targets on the basis of gross actual emissions as it reflects actual progress on the ground, is more transparent and makes it easier to communicate to the public.
- ETS adjusted figures should be reported in parallel to enable comparison with international data and our own emissions history.
- LINK members support efforts to mitigate competitiveness risks to industry but Government need to ensure that clear policies are put in place to drive industrial decarbonisation beyond merely the ETS cap itself.

7a) What are your views on allowing the interim and 2050 emission reduction targets to be updated, with due regard to advice from the CCC, through secondary legislation?

Yes, LINK members support allowing the interim and 2050 targets to be updated through secondary legislation, however targets should only be able to be increased and the process should be subject to formal consultation and Parliamentary scrutiny. If targets are to be reduced, this should only be done through primary legislation.

b) What do you think are the most important criteria to be considered when setting or updating emission reduction targets?

- We support the existing first two criteria: *The objective of not exceeding the fair and safe Scottish emission budget*, and *Scientific knowledge about climate change*, as the key criteria to be used in setting targets.
- Sound science must remain paramount factor.
- The principal of 'fair and safe' emissions budgets should be followed. Even though targets should be set on % basis, the impact of those targets on overall Scottish cumulative emissions budget advised by the CCC needs to be considered. Ministers should be required to ask the CCC to conduct a review, at a minimum, every five years to include advice on whether current emission reduction targets continue to be consistent with the evidence regarding a Scottish share of a "fair and safe global emissions budget".
- The criteria: *Environmental considerations and, in particular, the likely impact of the targets on biodiversity* should also be included as a criteria to make sure that, in addressing climate change, we consider impact on other planetary boundaries. We recommend that this criteria is reworded: *Environmental considerations and, in particular, the likely impact of the targets on biodiversity and other planetary boundaries under pressure*.
- We view the other criteria as of relevance to policy development. Scrutiny of the effect of emission reduction targets on these criteria should inform policy responses, but not the level of the target.

- Additionally, to better account for the co-benefits of acting on climate change, we think that the impact on human health should also be included in the criteria considered when setting policy.
- We do not agree that an objective of a review of the criteria should be '*the extent to which they will ensure that emission reduction targets remain fully aligned with the wider ambitions of increasing sustainable economic growth through increasing competitiveness and tackling inequality*'. Targets should be set primarily based on climate science, with policy responses put in place if review against criteria suggest detrimental impact.

8 a) What are your views on the frequency of future Climate Change Plans?

- Every five years continues to be an appropriate timeframe to reflect on policy effectiveness, economic cycles, demographic and technological change.
- Drawing on the example of the Community Empowerment Act which defines NPF review, this should take place every five years at minimum, more often if desired.
- We believe that a new Climate Change Plan should be published within 1 year of Royal Assent of the new Act.

b) What are your views on the length of time that future Climate Change Plans should cover?

- Climate Plans should cover 15 years and should be divided into short and medium term actions including outlining the pathway to the 2040 and 2050 interim targets. The Plan must specify detailed policy commitments for the first five years. It must also include research and policy development needed in the medium term, which would feed into specific policies for the first five years of subsequent plans.

c) What are your views on how development of future Climate Change Plans could be aligned with Paris Stocktake Processes?

- Although there would be some benefits of aligning development of future Climate Change Plans with the Paris Stocktake Process, LINK members feel, on balance, it would be more advantageous to align the development of future Climate Change Plans with the political cycle, with draft Plans being due in the year after Scottish Parliament elections.

d) How many days do you think the period for Parliamentary consideration of draft Climate Change Plans should be?

- LINK members support the extension of the period of Parliamentary scrutiny of the draft Climate Change Plan to 90 days at minimum as this is a complex, cross-sectoral exercise requiring a significant degree of expertise across Committees.
- The Scottish Government should publish its final CCP no later than 9 months following the conclusion of Parliamentary scrutiny. It should also publish a report setting out how it has responded to every committee recommendation made.

- The TIMES model needs to be fully transparent to enable scrutiny regarding the parameters it has used and it needs to consider externalities.
- There needs to be stakeholder involvement in parameter setting and the option to run the model with different sets of assumptions to produce more than one scenario.

9. What are your views on the proposal that any shortfall against previous targets should be made up through subsequent Climate Change Plans?

- We do not support this proposal as there is potentially a long time lag between missing a target and the preparation of the next Climate Change Plan. The plan should be a living document that does not allow rollover under-performance to subsequent plans and action must be taken to get back on track as soon as possible.
- The Scottish Government has never provided a section 36 report for increased policy to make up for a missed target in the past, which suggests this requirement needs to be strengthened.
- We recommend that shortfalls against previous targets should be made up on an annual basis. The October statement to Parliament should be expanded, put on a statutory footing and should set out how any shortfalls will be made up in future years.

10. What are your views on these initial considerations of the impacts of the Bill proposals on Scotland's people, both now and in future generations?

- We agree that it is hard to quantify indirect impacts on Scotland's people and future generations but this assessment should be more complete.
- Climate change has been identified as one of the causes of conflicts and resulting mass migration of people, which have knock on socio-economic effects across many parts of the world.
- A robust and healthy environment underpins our wellbeing and economy. Climate change is having a negative impact on many aspects of our environment, as highlighted in the SEA report, and many of these impacts have knock on effects of people's health and wellbeing and our economy.
- A more ambitious climate change target will be fairer to future generations, who would otherwise incur huge costs associated with the consequences of higher temperatures, sea level rise and extreme weather.
- A transition to a low carbon economy needs to be managed to ensure that the wellbeing of those involved in the sectors of the economy which will decline is protected through training opportunities and policies targeted at specific geographic locations.
- Overall, the impact of this Bill on Scotland's people is likely to be positive with policies to reduce emissions resulting reduced air pollution from traffic, reduced pollution from agriculture, lower fuel bills from increased energy efficiency and the generation of many jobs.

11. What are your views on the opportunities and challenges that the Bill proposals could have for businesses?

- As the BRIA shows, there will be opportunities and risks for businesses.
- Scotland has already benefited from the leadership it has taken to date, and it is increasingly obvious that it is economically prudent to be at the forefront of the transition to a low carbon economy.
- However, this transition needs to be managed in order to optimise benefits for Scottish businesses and its people. A Just Transition is needed, which takes a planned approach to decarbonising the economy, and the necessary replacement of high carbon businesses and jobs with low carbon businesses and jobs. Opportunities for upskilling and retraining to support these shifts must be properly funded; existing capabilities can be re-deployed and built on; local supply chains can be nurtured through public support to developing technologies.
- TIMES modelling indicate costs of 3%+ in GDP but it is notoriously hard to account for co-benefits and their financial savings (e.g. health impacts, future climate mitigation savings). The Stern review highlighted the economic cost of not acting (equivalent to 5% of global GDP per year) to be significantly higher than the costs of acting.

12 a) What are your views on the evidence set out in the Environmental Report that has been used to inform the assessment process? (Please give details of additional relevant sources).

b) What are your views on the predicted environmental effects as set out in the Environmental Report?

c) Are there any other environmental effects that have not been considered?

There is also evidence to suggest that ocean acidification can affect larval recruitment of pH sensitive marine habitats such as cold water corals (*lapehlia pertusa*), while also hindering recovery and genetic connectivity between coral colonies³. Additionally, changes in pH may benefit invasive non-native algal species⁴.

d) Do you agree with the conclusions and recommendations set out in the Environmental Report?

e) Please provide any other comments you have on the Environmental Report.

- The Environmental Report should have considered additional reasonable alternatives. Particularly, the scenario of tighter interim targets, in other words, greater mitigation earlier rather than later. Impacts on biodiversity will differ substantially depending on the route to the 2050 targets. The shape of the downward trajectory of emissions, globally but also for Scotland, has a profound effect on the accumulated emissions over the decades to come. A

³ https://www.researchgate.net/publication/265382739_Future-proofing_marine_protected_area_networks_for_cold_water_coral_reefs

⁴ <https://pearl.plymouth.ac.uk/bitstream/handle/10026.1/1345/Hall-Spencer%20et%20al%202008%20Nature.pdf?sequence=2&isAllowed=y>

convex-downward curve (earlier and quicker reductions) compared to a convex-upward curve (later faster reductions) is much to be preferred since the area below the emissions-time curve is much reduced. Therefore accumulated emissions are reduced, there is reduced addition to the excessive CO₂ in the atmosphere, and climate change impact is reduced⁵. Early action would help avoid tipping points which potentially exacerbate the consequences of climate change for the planet as a whole⁶.

- Section 4 of the report should refer to the highly relevant SDGs and how the targets relate to goals 11, 12, 13, 14 and 15.
- The opportunity that tightened climate change targets provide to drive investment in our natural capital assets needs to be greater highlighted. For example, investment in peatland restoration results in multiple environmental benefits.

13. Please use this space to tell us any other thoughts you have about the proposed Climate Change Bill not covered in your earlier answers.

Hierarchy of policy

- As set out in section 2 of the consultation document '*Scotland's Economic Strategy forms the strategic plan for existing and all future Scottish Government Policy*' and it '*underpins the proposals for a new Climate Change Bill*'.
- This hierarchy is at odds with the Sustainable Development principles and hierarchy set out in the Shared UK Framework. Our life on Earth has to be governed by remaining within Environmental limits, with other policy areas subordinate to this.
- Legislation and policy relating to environmental limits, including Climate Change and biodiversity, should inform other areas of policy.
- More emphasis needs to be given to spatial dimensions and LINK members argue that the Land Use Strategy, National Planning Framework and the Marine Plan should have enhanced status and provide a framework for steering regulatory and policy decisions.

Policy Coherence

Climate change needs to be better embedded across all Scottish Government functions. This could be done through:

a) Better application of the Public Bodies' climate change duties:

- Amendment to section 45
 - Requirement for guidance on the public bodies duties to be reviewed and revised, taking advice from an independent body, every 5 years.

⁵ Allen & Stocker, 2014, "Impact of delay in reducing carbon dioxide emissions", Nature Climate Change, 4, 23-26.

⁶ [https://yosemite.epa.gov/ee/epa/erm.nsf/vwAN/EE-0564-112.pdf/\\$file/EE-0564-112.pdf](https://yosemite.epa.gov/ee/epa/erm.nsf/vwAN/EE-0564-112.pdf/$file/EE-0564-112.pdf)

- In section 46(2)
 - A specific requirement to report on how Plans, Programmes and Strategies have contributed to compliance with the PBD.
 - A specific requirement to report on how policy and activity relating to decisions on land use, land management and marine management have contributed to compliance with the PBDs.

b) An additional requirement in the new Bill that all bills and policies, across all areas of government, must demonstrate how they align with the climate change targets and ambition in the Climate Change (Scotland) Act.

c) Amendment to the Environmental Assessment (Scotland) Act to require SEAs to quantify a Plan's Programme's or Strategy's (PPS's) contribution to emissions reduction.

Footprint reporting

Consumption or footprint reporting reveals the emissions associated with the goods we consume, including those produced overseas. Although our territorial emissions associated with the goods we produce have been falling, our consumption emissions rose between 2011 and 2013 (latest figures).

- Section 37 in the Climate Change (Scotland) 2009 Act should be strengthened to require Scottish Ministers to measure and report annually on Scotland's consumption based emissions and these should be reported alongside domestic emissions.

Sectoral targets

Having sectoral targets will help drive emissions reduction across all sectors. Section 35 should be amended such that:

- There should be a new requirement for Scottish Ministers to include a sectoral envelope for each sector for each year in Climate Change Plans.
- Emissions for each sector must be formally reported to the Parliament annually by Ministers in the October statement.

Sustainability of emission reduction measures and integration of nature into energy and climate decisions

Carbon reduction and carbon sequestration measures must be implemented with minimum adverse impact on ecosystem health and biodiversity. We have several suggestions of ways to do this:

- Use land and marine plans to optimise the sequestration and storage of carbon associated with blue carbon, peatlands and forestry; and the positioning of renewables and low carbon technologies to minimise ecological impact.
- Strengthening of the Biodiversity Duty in the Nature Conservation (Scotland) Act 2004, Section 1.

- Adoption of circular economy principles across all sectors of the economy.
- Integrate elements of green infrastructure into new developments such as hydro, windfarms and solar and make sure that the mitigation hierarchy is strictly adhered to.

Development

New developments and infrastructure must be aligned to climate change ambitions

- An amendment to the Town and Country Planning (Scotland) Act 1997 Section 3F to ensure that any development granted consent is helping to progress the new climate change targets. Where there are significant technical constraints to developing this on-site, it needs to be developed off-site.
- A National Ecological Network⁷ to become a national infrastructure priority. A National Ecological network would provide a strategic, practical and long-term way to invest in natural assets such as peatlands and woodlands which sequester and store carbon and would also significantly help with regard to adaptation, having a key role in building biodiversity resilience.
- Development plans to include green infrastructure, such as living walls, for multiple social and environmental benefits, including climate adaptation and carbon “in-setting”.

Land Use

Reduction of emission from land use has been inadequate and there needs to be a change in land use practices to reduce emissions.

- Land Use Strategy: Amendment of section 57 of the 2009 Act
 - New requirement of the land use strategy Part 2
 - ‘The strategy must in particular set out –
 - (d) an action plan, outlining the specific actions and milestones to deliver the policies and proposals.’
 - Scottish Ministers must lay an annual progress report before the Scottish Parliament. It must set out:
 1. Progress on achieving outcomes of LUS policies and proposals
 2. New policies aimed at achieving the outcomes
 3. How other Government policies are meeting LUS objectives
 - Scottish Ministers must establish regional Land Use Frameworks, covering all of Scotland, by 2025.

⁷ http://www.scotlink.org/wp/files/SEL_A-Roadmap-for-Adopting-a-National-Ecological-Network-in-Scotland.pdf

- Post CAP will provide an opportunity for aligning incentives and other policy mechanisms with the Land Use Strategy.
- The Bill should put a duty on Scottish Ministers to set a Nitrogen Budget for Scotland by 2020 and set targets for the reduction of nitrogen use in Scotland. Agriculture is responsible for almost a quarter of Scotland's total greenhouse gas emissions. A significant proportion of these emissions come from the inefficient use of chemicals, which release nitrous oxide into the atmosphere and pollute water. A Nitrogen Budget for Scotland aims to drive efficient use of all nitrogen sources, cut surpluses and pollution, and create a more circular economy for biodegradable wastes like food waste. More efficient fertiliser use would also have significant economic benefits for farmers.
- Agro-forestry has the potential to sequester considerable amounts of carbon in the soils, as well as providing a range of other benefits. LINK members would like to see proposals from Scottish Government outlining greater emphasis on agro-forestry.
- Additionally specific legislation is required on certain practices:
 - Peat extraction – The Climate Change Act should introduce a 'sunset clause' for all existing extraction consents setting a time for all to be re-activated or they permanently expire; and a levy on peat sales for horticulture.
 - Muirburn – this could be better managed through mandatory licences for driven grouse moors.

Marine

The Climate Change Bill should require Scottish Ministers to set targets for increasing the amount of carbon stored and protected in the Scottish Marine Area. Such targets should be set by 31st December 2019.

Just Transition

LINK members welcome the Programme for Government commitment to a Just Transition Commission and would like to see it included in the Bill. In setting challenging targets which fit with the ambition of the Paris Agreement, the Climate Change Bill should enshrine a commitment to a Just Transition.

A Just Transition is guided by the following principles:

- employment levels and livelihoods will be maintained
- communities affected will be supported through the transition
- training and re-training will be funded
- measures to tackle disadvantage in the labour market will be included
- Fairness regarding the costs of the transition – any tax or price burden should fall to the largest extent on those who can most easily pay

The Climate Change Bill should **establish a Just Transition Commission** to advise the Scottish Government. The establishment of a Commission is an appropriate way to help meet emissions reductions targets because, although having widespread support, this is a challenging objective which demands consensus building on the way forward. A Commission can generate focus which crosses the boundaries of many departmental silos, bringing together a wide range of views and create a space for discussion and the resolution of differences. Participants would be drawn from trade unions, environmental organisations, industry and commerce, enterprise, the community sector and civic society. The Commission would have powers to prepare and advocate proposals and to work with local authorities, enterprise agencies and industry.

This response is supported by:

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Plantlife Scotland
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Soil Association Scotland
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