

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DISCUSSION

Title: CLIMATE CHANGE (SCOTLAND) ACT 2009 AND
CLIMATE CHANGE DELIVERY PLAN

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Purpose

To provide an overview of the main provisions of the Climate Change (Scotland) Act and the Scottish Government's Climate Change Delivery Plan and the implications for the work of the CNPA.

Recommendations

That the Board consider the implications as set out at paragraph 23 below.

Executive Summary

The Climate Change (Scotland) Act 2009 has now received Royal Assent, and sets out a number of targets for reducing Carbon emissions in Scotland. The Scottish Government's Delivery Plan sets out how these challenging targets will be met. The Act and the Plan have implications for the CNPA's work over the coming years, which will need to be reflected in both our Corporate Plan, and the next National Park Plan – not only will the national delivery plan and legislation provide a common framework for all partners who contribute to the National Park Plan, but our experience with the first Park Plan may well be relevant to the Scottish Government as it develops its approach to the Land Use Plan, and to community engagement as required in the Act. The paper sets out some early thinking on how we should go about this.

CLIMATE CHANGE (SCOTLAND) ACT 2009 AND CLIMATE CHANGE DELIVERY PLAN - FOR DISCUSSION

Background

1. The Climate Change (Scotland) Act 2009 received Royal assent in August. The Act is a key commitment of the Scottish Government and represents far-reaching environmental legislation to reduce greenhouse gas emissions. On its own the Act does not bring about the reductions; the Scottish Government's Climate Change Delivery Plan sets out a plan of action to deliver the targets set by the legislation.
2. Taken together, the Act and the Delivery Plan now set a clear framework for action on climate change which will apply to all public bodies and which accordingly provides us with a driver for addressing climate change in the National Park, through the next National Park Plan and our own Corporate Plan.

Provisions of the Act

3. The Act contains 100 sections and provides 33 dates by which outcomes or actions must be complete.
4. Part I of the Act creates a statutory framework for greenhouse gas emissions reductions in Scotland by setting a target of 80% reduction for 2050. An interim target of 42% reduction for 2020 is also set, with the power for this to be varied, based on expert advice. To ensure delivery of these targets this part of the Act requires that Scottish Ministers set annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050.
5. Scottish Ministers will take advice on the targets they set. In the first instance this advice will be provided by the UK Committee on Climate Change. However, Part 2 of the Act contains provisions which will allow the Scottish Ministers to establish a Scottish Committee on Climate Change or to designate an existing body to exercise advisory functions should it be decided that this is appropriate.
6. Part 3 places duties on Scottish Ministers requiring them to report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets set in the Act.
7. Part 4 places **climate change duties on Scottish Public Bodies** who must, "in exercising their functions, act in the way best calculated to achieve delivery of the targets in the Act". This part of the Act also contains powers to enable Scottish Ministers, by order, to impose further duties on public bodies in relation to climate change. Scottish Ministers can give guidance to public bodies in relation to these duties and those bodies must then have regard to this guidance.
8. Part 5 includes a number of other provisions on climate change, including adaptation, forestry, energy efficiency and waste reduction. Importantly, it includes a requirement that Scottish Ministers produce **a land use strategy** which must be laid before the Scottish Parliament no later than 31st March 2011. The strategy must set out objectives in relation to sustainable land use, proposals and policies for meeting those objectives, and timescales over which the policies and proposals are expected to take effect. These must all contribute to achieving the emissions reduction target set by the Act.

9. This part also places a duty on Scottish Ministers to publish a plan for **promoting energy efficiency** and improving the energy efficiency of living accommodation in Scotland. The plan must set annual efficiency targets and describe how those targets are to be reported on. The plan will also include details of how Scottish Ministers intend to update planning and building regulations to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific building, through the installation and operation of low and zero carbon generating technologies.
10. This part of the Act also includes provision for Ministers to make orders specifying the dates before or after which it is lawful to make muirburns in any year.
11. Part 6 requires Scottish Ministers to prepare a **public engagement strategy** setting out the steps they intend to take to inform people in Scotland about the targets set by the Act, and encourage them to contribute to the achievement of those targets.

Implications of the Act for the CNPA

12. The duty on public bodies, which is set out in Part 4 of the Act, requires that a public body must in exercising its function act:
 - a) In the best way calculated to contribute to delivery of the Bill's emissions reduction target;
 - b) In the way best calculated to deliver any statutory adaptation programme; and
 - c) In a way that it considers most suitable.
13. We do not yet know any detail on what these duties will mean in practice but we do know that the Scottish Government intends to consult on draft statutory guidance provisionally timetabled for around June 2010. Since the Act allows Ministers to require public bodies to undertake reporting on climate change, it is quite possible that there will be specific duties in this respect also. Scotland's Local Authorities currently do this on a voluntary basis through Scotland's Climate Change Declaration and Annual Statements of Progress. As organisations, both National Park Authorities will be effected by these duties, and should plan to contribute to the consultation on the draft statutory guidance – there may be scope for doing this jointly and ensuring an appropriate way of both reporting on progress towards meeting the targets. In addition, both NPAs need to consider how these duties which apply to public bodies as individuals, could be reported on through the National Park Plan.
14. Part 5 requires the Scottish Government to produce a land use strategy by March 31st 2011. This appears to be providing a comprehensive approach to ensuring that carbon is fully factored into strategic and local decisions about land use. There is a clear read across between this proposed land use strategy, and our own National Park Plan, coupled with the Local Development Plan. We do not yet know the detail of what it envisaged for the land use strategy and it would make sense for us to approach the Rural Affairs and Environment department of the Scottish Government to consider what part Scotland's two National Parks and their National Park Plans can play in helping to deliver on this requirement for a land use strategy.

15. Engaging with the Scottish Public so that they understand the challenges of climate change, and are persuaded to substantially change their behaviours accordingly, is clearly seen as important. Part 6 of the Act requires Ministers to publish a public engagement strategy by December 2010. We have considerable experience of, and mechanisms for public engagement in, the Cairngorms. We therefore have potential to make a significant contribution to the Scottish Government's task – this is considered further in the next section.

Scottish Government Climate Change Delivery Plan

16. The Scottish Government's Climate Change Delivery Plan identifies the high level measures to meet the interim statutory targets in the Climate Change Act for 2020, and the work to be done over the next decade to prepare for the more radical changes needed by 2030 if the emissions targets for 2050 is to be achieved. The underlying thinking is that the drive to reduce the impact of climate change will have other positive advantages for Scotland in creating economic opportunities in renewable energies, while improving efficiency in business use of energy, water and other natural resources can also reduce costs and promote competitiveness.
17. Legislation alone won't deliver the targets – the Delivery Plan sets out a plan of action across all sectors. Crucially, it is acknowledged that real changes are needed in every day behaviour.
18. The Delivery Plan identifies four main abatement options:
- a) Reduce energy through decreasing demands and increasing efficiency with which energy is used;
 - b) Reduce use of fossil fuels and produce more low carbon energy;
 - c) Reduce consumption of products which emit greenhouse gases as part of their manufacture (eg cement);
 - d) Sequester carbon geologically in soil and vegetation (eg trees).
19. The Plan identifies key measures, milestones and actions for each of five key sectors:
- a) Electricity demand and supply;
 - b) Heat demand and supply;
 - c) Transport;
 - d) Rural land use;
 - e) Waste.

All these sectors are important in the Cairngorms National Park and the question to address as we formulate the next National Park Plan for 2012/17 will be how we best focus activity on these various sectors to help deliver the national outcomes/targets. Three of these sectors stand out as being relevant in the current National Park Plan:

- a) Heat demand and supply (planning policy and guidance on renewables; training and advice)
 - b) Transport (better connections between visitor attractions; piloting sustainable transport options – electric car);
 - c) Rural land use (low carbon land management, SRDP in National Parks; training and advice).
20. The closing chapter of the Climate Change Delivery Plan acknowledges that in addition to the measures and actions set out in the five key sectors, there remains a key challenge in changing the behaviour of the population at large. The Plan

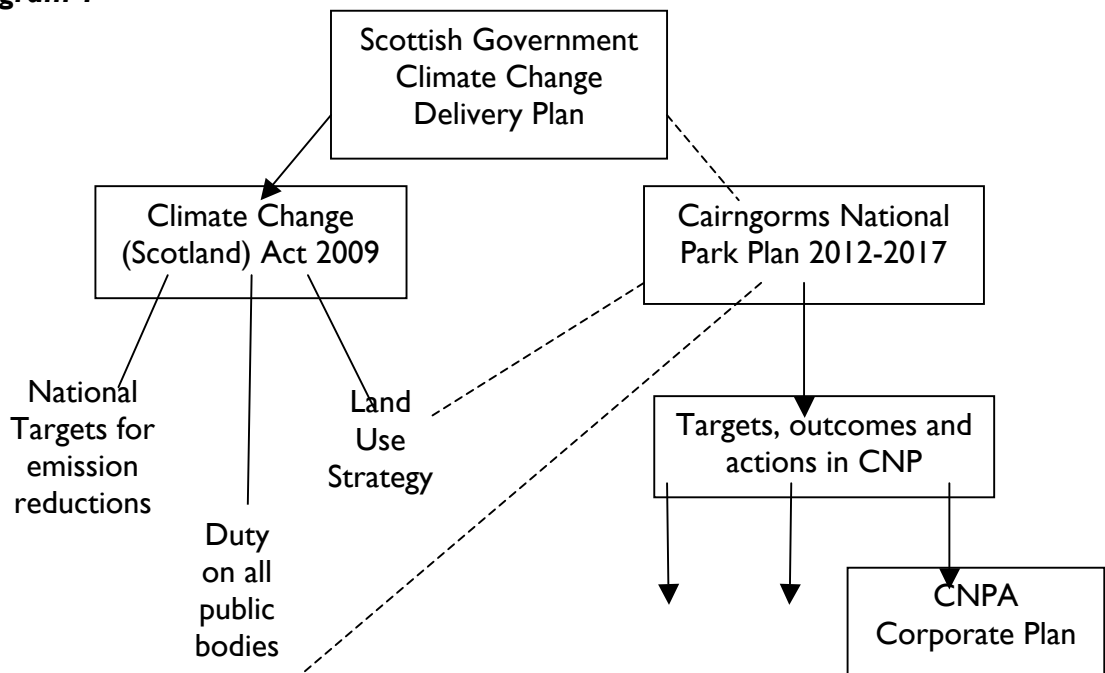
identifies the importance of galvanising actions and draws attention to the provision in part 6 of the Act for the Government to publish an engagement strategy by December 2010 setting out the steps they intend to take to inform people in Scotland about the targets set by the Act and encourage them to contribute to achievement of those targets. Both National Parks have potential to make a major contribution in this respect, given the large numbers of visitors, their expectation/receptiveness to environmental messages, and given our experience of public engagement.

Overview of Implications and Opportunities for the CNPA

21. The considerable challenge posed by climate change has been rapidly climbing up the political agenda since the creation of the Cairngorms National Park. While there are many actions under way through the current National Park Plan which make a contribution to adaptation or mitigation of climate change, it has proved difficult to know how best to focus our own activities in this respect around a coherent strategy, given the enormous scale of the challenge and the huge range of views as to what should be done.

22. The publication of the Climate Change Act and the accompanying Climate Change Delivery Plan by the Scottish Government now provide an unequivocal requirement for action, and a clear framework within which to place this. Importantly, it sends out clear and consistent messages to the whole of the public sector in terms of what the Government expects. We therefore now have a clear framework with which to frame the next National Park Plan, as well as our own activities as expressed in our Corporate Plan. These relationships are shown in Diagram 1.

Diagram 1



23. **This review of the Act and the Climate Change Delivery Plan suggests we should be taking work forward as follows:**
 - a) Ensure we are in close discussion with the Scottish Government on the development of Ministers’ guidance in respect of the duty on all public bodies in respect of Climate Change (Part 4 of the Act).

- b) Consider, in discussion with the Scottish Government, whether the National Park Plans could be used as regional elements of/contributors to the Land Use Strategy required by the Climate Change Act;
- c) In developing the next National Park Plan, consider which of the five sectors identified in the Scottish Government Climate Change Delivery Plan could be priorities in the National Park.
- d) Work up ideas on how the Cairngorms National Park could be used as a focus for public engagement, getting messages across about climate change and persuading people to change their behaviour. We considered this several years ago but without a great deal of success in terms of delivery. I suggest that we should consider, in developing our next Corporate Plan, giving this a much higher priority than in the past.
- e) In developing our forward budget for 2010/11 and beyond, and in considering our next Corporate Plan, we will need to take account of the impact of the duties in the Act on our allocation of resources.

Reporting/Measuring Progress

- 24. There are likely to be new duties on us – either through our corporate reporting cycle and/or National Park Plan reporting – to report on progress towards reducing emissions. We currently report on activities intended to mitigate Climate Change, but being able to report meaningfully on the direct Carbon consequences of our activities is still some way off.
- 25. The 2010-11 Draft budget published recently by the Scottish Government shows for the first time a carbon assessment for each budget line, including that of National Park Authorities (see Table I). The assessment has been produced by combining a general model of the economy together with greenhouse gas emission data and the financial data. This has been used to estimate the carbon emissions likely to be associated with the goods and services purchased through the Draft Budget. This produces a consumption based measure. The calculations are inevitably high level, and not a direct reflection of activity by NPAs. The methodology in this area is complex, and has its limitations, but is seen as a first step. A meeting is being organised in the Scottish Government in the autumn to take discussions further.

Table I: Extract from Carbon Assessment of 2010/11 Draft Budget

<i>thousands of tonnes of CO2 equivalent</i>						
Rural Affairs and Environment	Spend (£m)	Domestic			Imported	Total GHG
		Direct	Indirect	Induced		
National Parks	11.7	0.3	0.9	1.0	0.7	2.9
Scottish Natural Heritage and Deer Commission for Scotland	65.0	3.9	6.0	5.5	5.7	21.0

Assessments

Consultation

- 26. There are no consultation requirements for this paper, which simply highlights the main elements of the Act and Delivery Plan of relevance to the CNPA. Several of these (e.g. Ministers' guidance) will themselves be the subject of consultation. In responding to these developments, we will work closely with LL&TT NPA; we will also liaise with other partners.

Policy Context

27. The Act and the Delivery plan are themselves the policy context in which we work, and are key to delivering the National Outcome “we reduce the local and global impact of our consumption and production”.

Delivering Sustainability

28. Actions arising are self evidently delivering sustainability.

Delivering Park for All

29. No particular implications.

Delivering Economy, Effectiveness and Efficiency

30. Assessment of “efficiency” will in due course not be on simply on a financial basis, and as indicated in paragraphs 24 and 25 above, new methodologies are emerging which take account of carbon use. That aside, in the long term adopting energy saving technologies, producing less waste etc, should lead to improved competitiveness.

Implications

Financial Implications

31. Not quantifiable yet, but we will need to factor into future operational and corporate plans any changes in our priorities and how we manage the organisation flowing from the duties in the Act and the delivery plan.

Presentational Implications

32. There is likely to be an expectation that National Parks are models of sustainability; our intention to adopt a policy stream of “Low Carbon National Park” will fulfil that. As discussed above, there is the possibility of using the National Park as a means of helping to deliver the public engagement implied by the Act and Delivery Plan, and getting messages across about Climate Change.

Implications for Stakeholders

33. All public bodies will be affected by the duties in the Act.

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