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The Scottish Government
Climate Change Bill Consultation
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24th April 2008

Dear Sir / Madam

Climate Change: consultation on Proposals for a Scottish Climate Change Bill

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation which aims to provide a clear and credible framework for action in Scotland on climate change for the next 40 years. The Institute considers that spatial planning has a vital role to play in creating, protecting and managing energy efficient communities; in reducing emissions and the impacts of climate change. Mitigation and adaptation need to be at the heart of spatial planning and carried through into policy and practice in relation to the design of places and buildings, transport, energy consumption and waste disposal. The National Planning Framework, strategic and local plans will have a key role to play in bringing sector adaptation plans together and in ensuring effective spatial responses to adaptation issues.

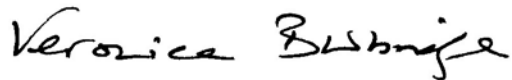
The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2000 members in Scotland, working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia.

Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

The Institute does not wish to respond to all questions in the consultation. Our detailed comments to the questions relevant to our work are set out in the Annex to this paper. In general, we support the introduction of a Climate Change Bill with ambitious targets for the reduction of Scotland's Greenhouse Gas emissions. The Institute considers that much can be achieved through existing mechanisms and we welcome the recent publication of Planning Advice Note 84 detailing a methodology for calculating reduced carbon emissions in the context of producing development plans and assessing planning applications.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk

Yours sincerely

A handwritten signature in black ink that reads "Veronica Burbridge". The signature is written in a cursive, flowing style.

Veronica Burbridge
National Director RTPi in Scotland

ANNEX 1

COMMENTS BY THE ROYAL TOWN PLANNING INSTITUTE IN ASCOTLAND IN RESPONSE TO THE CONSULTATION ON THE DRAFT CLIMATE CHANGE BILL

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

The Scottish target should be based on the basket of six greenhouse gases. Carbon dioxide will be the immediate priority gas, as the scale of emissions mean that effective control will deliver tangible climate change benefits. However, relatively small emissions of other gases can have significant greenhouse implications. Methane is one such gas which is a strong candidate for early special control.

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?

As pointed out by the RTPi UK in response to the consultation on the UK Climate Change Bill, there is a strong argument for the early development of a 'special gas emissions control regime' to deliver quick wins. Controlling regulations about a defined range of gases with high greenhouse potentials should be considered, subject to consultation with stakeholders before controls are implemented. In addition, there is a strong argument that there should be a capacity to review targets in a flexible manner to ensure that they respond to changes in climate science and mitigation and adaptation techniques.

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?

Yes, the means of measuring the target might be changed to reflect international developments, new scientific knowledge or significant changes in climatic condition. However, this should not be used as a 'let out' clause if targets are not being met.

9. How long should interim budget periods be?

It might be useful to link such periods with planning cycles e.g. the five year cycle for review of the National Planning Framework and Development Plans particularly if the need for carbon testing of such plans is accepted. It will be important to drive progress forward in the short term and this may require annual statements of progress alongside the 5 year objectives. Such annual statements could tie back to an action programme and could form part of monitoring reports.

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

This is considered appropriate. It might be useful to establish a permanent subject committee of the Scottish Parliament with appropriate support.

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.

It will be important to have expert, objective and unbiased science based advice and to ensure that this body is transparent and decisions are accountable to both the UK and Scottish Parliament. The Institute agrees that it would be sensible to utilise the expertise and skills of the UK Committee on Climate Change.

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)?

Further guidance on monitoring and measuring carbon impacts of policies and plans at different levels will be required but consideration might be given as to how this might be achieved through existing mechanisms rather than through new structures and legislation.

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.

See above. This function might best be carried out through the additional duties being attributed to SEPA, with the development of the associated skills, data, monitoring and guidance systems. However, given the complexity of sectors involved it might be useful to have a Scottish Committee to oversee policy development and action and to monitor progress.

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?

The Institute agrees that there should be a duty on all of the public sector to incorporate climate change into everything they do, as part of a wider commitment to sustainable development. Such a duty could be incorporated within the sustainable development duty under the Planning etc (Scotland) Act. Considerations of climate change and sustainable development might also form the subject of further guidance on 'well-being' under Section 20 of the Local Government (Scotland) Act; through the Best Value regime across all public bodies; and in the application of strategic environmental assessment of policies, programmes and plans. Much has already been achieved through the local authorities' Climate Change Declaration. It is also noted that information necessary as part of environmental reports for SEA address significant effects on the environment including climatic factors.

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?

In the longer term, and before NPF3 it would be useful to consider ways in which the carbon proofing of plans including the NPF might be addressed.

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?

Yes. As above, Scottish Government should also lead by example in this. Environmental components of (regularly reviewed) Development Plans should provide some of this reporting. Such reviews could be incorporated into the monitoring and reporting on Strategic Environmental Assessments.

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 removal of VAT on repair works to existing buildings would be a long-overdue recognition of the cultural as well as embedded energy values of this important national resource.

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?

See response to question 23 above. It is already possible, using existing legislation, to encourage the National Planning Framework and Development Plans to explicitly address climate change issues and to be subjected to meaningful SEA with options that reflect a variety of climate change outcomes over the plan period as well as the long-term impacts of plan developments. There should be greater financial support for microrenewables. It may be helpful to pilot schemes in existing settlements to show practical ways in which emissions can be minimised and resource production maximised.

31. Should provisions within the Environmental Assessment (Scotland) Act 2005, be amended in order to provide clearer links with emissions reduction?

See answer to question 23. All Plans, Programmes and Strategies should be required, as part of the establishment of the baseline information, to identify current emissions, as well as modelling these in the consideration of plan options.

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

It will be important to strive for environmental justice, nationally and internationally – and not knowingly or unknowingly inflict poor environments/developments on poorer citizens and their communities. This is recognised in the Scottish Government's economic strategy.

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?

Planning is a key legislative area which already allows climate change issues to be addressed, both in the production of Development Plans and in the implementation of the Development Management regime. There may be certain areas of secondary legislation, such as the General Permitted Development Orders where vigilance will be required to ensure that climate change is not overlooked. Scottish Planning Policies (SPPs) should reflect the issues of climate change, and specific Planning Advice Notes (PANs) should be prepared to indicate good/best practice in addressing climate change through Development Plans and Development Management processes.