

AYRSHIRE JOINT PLANNING STEERING GROUP

16 December 2009

Climate Change (Scotland) Act 2009

PURPOSE OF REPORT

1. The Purpose of this report is to summarise the key targets, timeframes and provisions of the Climate Change (Scotland) Act 2009, highlighting those aspects of the Act and associated documents which are of most relevance to the Steering Group.

BACKGROUND

2. The Climate Change (Scotland) Act received Royal Assent in August 2009. The Act establishes a legislative framework for reducing greenhouse gas emissions and moving to a low carbon economy. Although the principles of the Act have been established, and an early indication of the type of actions considered necessary to achieve the results flagged through the publication of a Climate Change Delivery Plan, many implications have as yet to be fully explored. This report outlines the principles of the Act, some subsequent actions and how it could affect the future planning process.

CLIMATE CHANGE (SCOTLAND) ACT

3. The Act sets a framework which establishes a series of long term, interim and annual targets for reducing greenhouse gas emissions. The key principle of the Act is for a reduction of at least 80% in greenhouse gas emissions by 2050 from a 1990 baseline. The gases are defined as not only carbon dioxide, but also methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride. Such a significant reduction is deemed to be essential to keep global warming and climate change within acceptable limits. There is also an interim target of 42% by 2020. To ensure the emissions reductions are real, at least 80% need to be from sources in Scotland and only 20% can come from the use of international carbon credits.
4. The Act places three general climate change duties on a wide range of public bodies, including local councils, and enables Scottish Ministers to create further duties. The Act requires that all public bodies must, in exercising their functions:
 - act in the way best calculated to contribute to the delivery of emission reduction targets;

- act in the way best calculated to deliver any statutory adaptation programme; and
- act in a way that it considers most sustainable.

There are further sections on the requirement to introduce new policies on micro-generation, to prepare a National Land Use Strategy by 2011 and to prepare further plans on waste reduction and recycling.

5. As a consequence of the Act, planning authorities must include greenhouse gas emission policies in local development plans, require all new buildings to contribute to energy efficiency through installation and operation of low and zero carbon generating technologies, and should also specify the target for the proportion of emissions to be avoided. This target should increase over time. It is expected local development plans should also set out the proposed approach to existing buildings which are being altered or extended, how policies will be applied to historic buildings, and the proposed approach to applications where developers are able to demonstrate that significant technical constraints exist in terms of on-site low and zero carbon technologies.

CLIMATE CHANGE DELIVERY PLAN

6. As a consequence of the passing of the Act the Government published a Climate Change Delivery Plan in June 2009. This sets out a high level route map to meet the statutory target for 2020, and the work to be done over the next decade to prepare for the more radical changes needed if the target for 2050 is to be achieved. The Plan identifies the key sectors for abatement and lists four transformational outcomes which the Scottish Government is working towards to meet the targets:
 - **A largely de-carbonised electricity generation sector by 2030:** primarily using renewable sources for electricity generation with other electricity generation from fossil fuelled plants utilising carbon capture and storage;
 - **A largely de-carbonised heat sector by 2050 with significant progress by 2030:** through a combination of reduced demand and energy efficiency, together with a massive increase in the use of renewable or low carbon heating
 - **Almost complete decarbonisation of road transport by 2050 with significant progress by 2030:** through wholesale adoption of electric cars and vans, and significant decarbonisation of rail by 2050
 - **A comprehensive approach to ensure that carbon (including the cost of carbon) is fully factored into strategic and local decisions about rural land use:** through appropriate protection for Scotland's carbon rich soils; minimising emissions from agricultural and other land use businesses; encouraging the sequestration of carbon, for example, through woodland planting; and the use of natural resources to generate renewable energy.

COMMENTARY

7. The Act establishes an initial legal framework for reducing greenhouse gas emissions and transition to a low carbon economy. The detail on abatement measures and how they will be delivered in practice is yet to be worked out and will be forthcoming through subsequent secondary legislation, various plans and guidance. It is clear, however, achieving the Act's objective of an 80% reduction in greenhouse gas emissions by 2050 will require massive changes in the way we live and will affect all sectors of society and the economy through decarbonising transport, creating new industries, changing patterns of food production, consumption and land use across the country, redirecting employment skills and education, and altering the balance between urban centres and their rural hinterlands.
8. Not only will the Scottish Government need to develop a holistic approach that will influence its own agencies in a coordinated and integrated way, local councils will be central in adapting to climate change and have already committed to take action on adaptation as part of their commitments under Scotland's Climate Change Declaration. Many already have plans and actions underway, however there is no doubt that the need to adapt will only increase and local authorities will need support and assistance to scale up to the challenge. Coordinated planning and action will be needed and it will be essential for local authorities to work in partnership with their Community Planning Partners and Scottish Government.
9. Spatial planning and the development plan system will arguably be one of the key mechanisms to lessen the impacts through action on urban form, land use and transportation and in implementing the mitigation and adaptation outcomes in the Act. It will be essential that this role is fully recognised and greater detail will need to be provided on what can be achieved and what resources and skills will be needed. Planning decisions can have very long term implications and it is critical that those decisions are taken within a development plan and guidance framework which has sustainable development at its core and recognises the importance of climate change mitigation and adaptation suitably informed by locally relevant information.

CONCLUSION

10. The Climate Change (Scotland) Act and the emerging supporting plans, framework documents, work streams and delivery mechanisms require fundamental and life changing concepts to be accepted. In the immediate future the Act and associated regulations indicate that much greater priority will need to be given to carbon reduction projects within local authority spending programmes, particularly in relation to capital programmes, both in the short and long term. Local authorities have a great deal of potential for facilitating and leading mitigation and adaptation in relation to climate change and the associated effects, particularly through the planning system. However, this potential comes at significant cost, in terms of both capital and revenue. This will need to be recognised by Scottish Government and adequately supported and resourced.

RECOMMENDATION

13. The Steering Group is asked to note the contents of this report and asks the AJPU manager to:
 - (a) bring forward further reports on future developments in relation the work streams and subsidiary legislation associated with the Climate Change (Scotland) Act 2009 as they emerge;
 - (b) seek a meeting of the three Ayrshire authorities and other stakeholders to explore common issues around establishing a joint work programme to scope and detail the planning and land use implications of climate change, the Climate Change Scotland (Act) 2009 and the Climate Change Delivery Plan.

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