

SOUTH AYRSHIRE COUNCIL**REPORT BY EXECUTIVE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT  
TO LEADERSHIP PANEL  
OF 23 NOVEMBER**

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**SUBJECT: PUBLIC SECTOR CLIMATE CHANGE DUTIES: DRAFT GUIDANCE  
RESPONSE**

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**1. Purpose.**

This paper outlines the public sector duties and associated draft guidance flowing from the Climate Change (Scotland) Act 2009 and sets out the Council's position in relation to this.

**2. Recommendation.**

**It is recommended that the appended response is approved and submitted on behalf of the Council to Scottish Government. Members are also asked to note the general content of the report on this rapidly developing policy area.**

**3. Background.**

The Scottish Government has produced draft guidance as required by the Climate Change (Scotland) Act 2009 to assist local authorities such as South Ayrshire Council and other public bodies in meeting the duties placed on them by the Act. The Scottish Government are seeking consultation responses in relation to the guidance by 26 November 2010 before finalising the guidance for the duties coming in to force.

The duties come into force on 1 January 2011 and apply to all 'public bodies', defined as a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002 (as amended).

The Climate Change (Scotland) Act 2009 creates the statutory framework for greenhouse gas emissions reductions in Scotland by setting an interim 42 per cent reduction target for 2020, with the power for this to be varied based on expert advice, and an 80 per cent reduction target for 2050. In order to help deliver this, part 4 of the act places climate change duties on Scottish public bodies. It also contains powers to enable the Scottish Ministers, by order, to impose further duties on public bodies in relation to climate change.

The duties which apply from 1 January 2011 require that a public body must, in exercising its functions, act:

- in the way best calculated to contribute to delivery of the Act's emissions reduction targets;
- in the way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

The duties have significant implications for South Ayrshire Council. We will require to ensure that climate change is at the heart of policy making and service planning. Climate change must now be considered in all our decision making processes. This relates to all areas of Council business rather than just those traditionally considered to relate to the environmental agenda. It is important to note that there are both risks and opportunities in relation to this. The members briefing on 16 November 2010 highlighted a range of issues in relation to our duties under the Act. It is anticipated that this will be followed up with further information next year once the guidance has been finalised.

The Act is a key commitment of the Scottish Government, and is the most far-reaching environmental legislation considered by the Parliament during the first ten years of devolution. Reducing greenhouse gas emissions and transitioning to a low carbon economy will help create a more successful country, with potential opportunities for South Ayrshire, through increasing sustainable economic growth.

#### 4. Consideration.

Taking action on climate change is in the best interests of the people of South Ayrshire, it is in line with our council vision, with the commitments we have signed up to as a Council under Scotland's Climate Change Declaration, and with achieving the local outcomes we have set out in our Single Outcome Agreement. It follows that we welcome the steps taken by the Scottish Government to support us in our approach to tackling climate change and ensuring these targets strive towards meeting the requirements dictated by the best scientific knowledge available to us.

It must however be noted that climate change is a complex policy area which impacts on all areas of service delivery and indeed all areas of Scottish life. Our need to make rapid progress on this agenda comes at a time when public sector budgets are becoming increasingly constrained.

With this in mind, South Ayrshire Council is keen to see that all parts of Scottish society take forward the action they are best placed to deliver in relation to climate change to ensure the 2050 targets are reached. We want to reach the best possible outcome for the people of South Ayrshire given the resources available to us. It is the case that the action required will not be the same for every public body, and as such We would like to take this opportunity to stress that while South Ayrshire Council welcomes the introduction of the Climate Change Act and associated public sector duties and guidance. A range of actions will be required to meet the ambitious targets set for Scotland. South Ayrshire Council is keen to see that all parts of Scottish society take forward the action they are best placed to deliver in relation to climate change and the transformational outcomes. This will not be the same for every type of public body, and local authorities will be better able to take forward some action areas than other public bodies. Similarly there will be areas where local authorities are better not to invest resources on the basis that other public bodies are better placed or able to carry out that role. We are keen to ensure that all action areas required to meet the target are taken forward, but that at the same time any duplication is avoided.

The four transformational outcomes which the Scottish Government has set out that we must deliver in relation to are:

- **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

By 2030 Scotland's electricity will be produced by renewable technologies (wind turbines on land and off-shore, wave power, tidal power, hydro-electric, etc) and by some coal or gas power stations. The carbon emitted by the coal or gas power stations will be captured and stored underground, so that it doesn't affect the atmosphere. This technique – called Carbon Capture and Storage - is being pioneered now, though it is still in an early stage of development. We will also use electricity for more things, like cars, vans and heating systems.

- **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

Through improved energy efficiency of buildings we will reduce the amount of energy needed to heat our buildings. By 2050 we will use clean and green energy sources (as described above) to heat our buildings – which will require more heating to be electric. People will also be encouraged to heat their buildings using renewable fuels such as wood.

- **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

More efficient, electric vehicles will become the norm, especially from 2030 onwards. Technology is developing fast on electric vehicles – with dual-fuel electric and petrol 'hybrid' cars now on our roads – and electric vehicles seem the most likely alternatives to petrol and diesel cars and vans. Also, trains will become electric, using electricity produced from the clean, green power outlined above.

- **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.

Action will be required to ensure that we manage Scotland's soils so that we prevent them emitting huge quantities of carbon dioxide, methane and nitrous oxide – all known greenhouse gases. For example, a lot of carbon is stored in Scotland's peat-rich soils, so these landscapes need to be managed well so that the peat doesn't dry out and release carbon dioxide into the atmosphere. Likewise, better farming methods can reduce Greenhouse Gas emissions from livestock and crop lands. Finally, planting trees, maintaining forests and using wood for fuel all helps to capture CO<sub>2</sub> and avoid adding additional CO<sub>2</sub> to the atmosphere.

South Ayrshire Council would urge the Scottish Government to produce supplementary guidance specifically for local authorities specifically in translating the transformational outcomes and the forthcoming RPP (Report on Proposals and Policies) so that local authorities, and others such as Non-departmental public bodies, non governmental organisations, private organisations etc, can understand the part they are best placed and indeed required to play in reaching the Scottish target of 80% by 2050.

The appended response details our views in relation to the specific questions set out by the Scottish Government in relation to the draft guidance consultation. Members are asked to consider and approve this response.

## 5. **Resource Implications.**

Implementation of the duties and guidance as with other aspects of our transition to a low carbon economy will require to be resourced, but it is not yet clear which aspects of change and transition will require to be resourced by South Ayrshire Council in order to make the required appropriate contribution to meeting the Scottish 80% target by 2050. The response proposed by this report is aimed to highlight this issue.

Failure to take forward the public sector duties and the recommendations set out within the finalised guidance has the potential to leave South Ayrshire Council open to legal challenge on this matter.

## 6. **Results of Public Consultation.**

While no formal public consultation has taken place in relation to this item, the recent community planning conference sustainability forum fast chat session was used as an opportunity to engage with community representatives on climate change issues, in particular the 80% target for 2050, the transformational outcomes, and what this could mean for South Ayrshire. At the end of the session participants were asked via a feedback form 'Does climate change matter to you?'. The most popular responses were:

- Yes, climate change impacts on the choices I make today (saving energy, recycling etc)
- Yes, climate change will impact on my life in the future
- Yes, I am worried about it

No participant selected any of the 'no' options, or even the 'not sure' option, confirming anecdotally that this is an important issue for the cross section of community representatives involved on the day.

Consultation with the Portfolio holder, Councillor Peter Convery, has also taken place.

### **Background Papers.**

Public Bodies Climate Change Duties: Putting them into practice. Available at <http://www.scotland.gov.uk/Publications/2010/09/16112110/0>

Please also see paper presented to this panel on Scotland's Climate Change Declaration: South Ayrshire Council Annual Progress Report 2010

**Person to Contact.** Lorna Jarvie, Sustainable Development Policy Officer, [lorna.jarvie@south-ayrshire.gov.uk](mailto:lorna.jarvie@south-ayrshire.gov.uk), 01292 612251

**Date.** 3 November 2010

## Development and Environment

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Scottish Government  
Public Bodies Climate Change Duties Consultation  
Area 3-J, Victoria Quay  
Edinburgh  
EH6 6QQ

Dear Sir or Madam,

#### **Public Bodies Climate Change Duties: Putting them into Practice**

Please find enclosed our completed respondent information form and completed response questions.

We would like to take this opportunity to stress that while South Ayrshire Council welcomes the introduction of the Climate Change Act and associated public sector duties and guidance. A range of actions will be required to meet the ambitious targets set for Scotland. South Ayrshire Council is keen to see that all parts of Scottish society take forward the action they are best placed to deliver in relation to climate change and the transformational outcomes. This will not be the same for every type of public body, and local authorities will be better able to take forward some action areas than other public bodies. Similarly there will be areas where local authorities are better not to invest resources on the basis that other public bodies are better placed or able to carry out that role. We are keen to ensure that all action areas required to meet the target are taken forward, but that at the same time any duplication is avoided.

The four transformational outcomes which the Scottish Government has set out that we must deliver in relation to are:

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Yours faithfully

**Lesley Bloomer**  
**Executive Director Development and Environment**

cc George Tarvit, Development Manager, Sustainable Scotland Network  
 Councillor Alison Hay, COSLA Spokesperson for Regeneration and Sustainability

**Public Bodies Climate Change Duties: Putting them into practice  
Respondent Information**

**1. Organisation:**

**South Ayrshire Council**

**2. Postal address:**

**Council Headquarters  
County Buildings  
Wellington Square  
Ayr KA7 1DR**

**3. Permissions for an organisation:**

**South Ayrshire Council is content for this response to be made available in the Scottish Government library and/or on the Scottish Government web site.**

**South Ayrshire Council is content for Scottish Government to contact them in relation to this consultation exercise**

## **Public Bodies Climate Change Duties: Putting them into practice consultation questions**

### **1. Is the draft guidance clear and easy to understand?**

In part

The draft guidance is lengthy, and contains many clear and detailed explanations. However, particularly given the length, it lacks specific details. In particular this is problematic regarding the share or contributory aspects to the 80% by 2050 target which different public sector bodies are expected to contribute. This means it is hard to understand from the guidance the scale of the challenge required of different types of public bodies, including local authorities such as South Ayrshire Council. There is a risk that the complexity of the guidance may lead to widespread inaction.

### **2. Do you currently have strategies and procedures in place to help your organisation respond to climate change?**

Yes

### **3. If you do have strategies and procedures in place for addressing climate change, is this guidance compatible with them?**

In part

The guidance is not incompatible with our strategies and procedures, and indeed in many ways is complementary, however the main requirement to ensure compatibility with South Ayrshire Council strategies and procedures is clarity over the share or contribution required to the 80% by 2050 target which South Ayrshire Council is expected to deliver. Some idea of what will be required can be gained from the transformational outcomes, but more detail will be required to break down and develop this to provide guidance as to what will be required from each 'player' to deliver these outcomes. Only then will the guidance ensure appropriate strategies and procedures are in place or can be put in place. Supplementary guidance for major players and for local authorities more specifically would be a helpful way of addressing this gap.

South Ayrshire Council, along with all Scottish local authorities, is a signatory to Scotland's Climate Change Declaration and is committed to annual reporting in relation to this. As such, we hope to see this annual reporting mechanism develop as the mainstream mechanism for reporting against the public sector duties for local authorities. This would reduce any potential for additional burden by aligning the duty with existing mechanisms and would also provide an opportunity for consistency among local authority reporting. South Ayrshire Council would welcome supplementary guidance on monitoring and reporting which would pick up on this theme.

### **4. If you do not have strategies and procedures in place for addressing climate change, is this guidance compatible with them?**

See answer to question three.

**5. Do you agree that the organisations identified as ‘major players’ in the guidance are the right public bodies to set an example through their action on climate change?**

Yes

These are the ‘major players’, but it should be noted that each type of major player will have a different contribution to make. The detail of what requires to be delivered by each type of ‘major player’ is a major omission. As previously mentioned, in order to deliver effectively on government targets for 2050 in a coordinated and effective way there is a requirement for supplementary guidance setting this out in more detail.

**6. Are the desired outcomes within each of the steps of Section 2 helpful in providing a guide to the steps towards mainstreaming climate change action?**

In part

The desired outcomes within each step are helpful and provide a useful guide, however they are not specific and do not set out how this should look for different types of ‘players’ in order to meet the 80% by 2050 target. At a time when resources are limited and likely to be stretched further moving forward, public sector bodies need to know that the action they take will contribute appropriately to the overall outcome for Scotland by way of achievement of the contribution they require to make to reach the 2050 target. This is important as public bodies, in particular local authorities who are democratically accountable to the people of the local area, must be able to justify prioritising resourcing on climate change action at a time when not all areas can continue to be funded to previous historic levels.

**7. Are the suggested actions contained within each of the steps of Section 2 helpful in providing a steer on areas of activity to cover?**

In part

The actions themselves are useful, however there is a need to tailor these to the type of ‘player’ to ensure that they are appropriate and that each player fulfils the role required of them to meet national targets. Production of supplementary information providing milestones for different types of public could address this weakness.

**8. Are there specific forms of support, tools or guidance which you would find helpful in embedding climate change action into your strategic and corporate processes?**

Yes

Supplementary information is required for different types of public sector body, as the contribution of one type will be very different to that of another when considering the collective effort that will be required to meet national aims, particularly the 80% by 2050 target. An idea of the sort of milestones

that will require to be met and by when will be required in order to ensure that all public bodies deliver the required contribution and that implementation is fairly taken forward across local authorities and indeed public sector bodies in general. In relation to this more guidance on quantifiable targets and appropriate indicators are required to allow us to reflect on achieving our contribution.

At present a relatively clear methodology is used across local authorities to measure direct carbon emissions, however it is clear that the public sector duties go beyond this and appropriate ways to consider contribution to the 80% by 2050 target on an area wide basis require to be provided.

As highlighted by the guidance Strategic Environmental Assessment (SEA) has the potential to act as a tool to ensure that any plans, policies, programmes and strategies taken forward by public sector bodies include appropriate consideration, choice of alternatives and mitigation if required in relation to climate change. There have, however, been a number of examples of strategies in areas key to the delivery of the 80% by 2050 target that have undergone SEA where climate factors have been considered to be insignificant. Stronger leadership in relation to the use of this tool must be shown if it is to fulfill its potential in relation to delivering on climate change.

## **9. Do you have examples of support, tools or guidance for embedding climate change action into strategic and corporate processes which you could share with others to enable capacity building?**

Yes

Like all Scottish local authorities South Ayrshire Council has made a commitment to Scotland's Climate Change Declaration. South Ayrshire Council has published an annual report tracking progress against these commitments. This can be found via the SSN website ([www.sustainable-scotland.net](http://www.sustainable-scotland.net)). Other examples of good practice from South Ayrshire Council can also be found on this website in the poster display sections of the 2009 and 2010 SSN annual conferences.

The Sustainable Scotland Network have been key in supporting our activity as a Council over the past decade and we hope that this will be able to continue as we move forward to implement our public sector duties. The SSN has developed over the years and includes a range of key services, information sharing and support that are critical to our approach to sustainable development and climate change.

Other key support has come from the Carbon Trust, the local Energy Advice Centre and Strathclyde Partnership for Transport.

The Strategic Environmental Assessment Consultation Authorities (SNH, SEPA and Historic Scotland) also have the potential to support us in taking forward climate change action by applying their expertise to highlight opportunities for appropriate climate change action through this feedback mechanism, however this has not been utilised to its full potential yet.

## **10. If you have any other feedback on the draft guidance, please provide your comments in the box below.**

South Ayrshire Council welcomes the introduction of the Climate Change Act and associated public sector duties and guidance.

South Ayrshire Council already has a range of activity underway to tackle climate change. This includes being signatories and reporting on progress against Scotland's Climate Change Declaration, South Ayrshire Sustainability Forum, a themed group of South Ayrshire Community Planning Partnership (which includes a number of "major players"), implementation and development of a carbon management plan, including participation in the CRC scheme and attainment and maintenance of carbon trust standard, application of SEA including requirements for all new plans, policies, programmes and strategies to consider climate impacts, (examples include the MIR, the transport strategy and the housing strategy) pursuit of sustainable procurement through the council's procurement forum.

Given the scientific basis for climate change action and the inherent timescales this provides, South Ayrshire Council is keen to see the right early action taken promptly. There is insufficient time and resources to delay or to repeat implementation attempts. As highlighted by Lord Stern, early action is needed to minimise the costs involved. In order to achieve this early action is required, including greater joint action required by key agencies at partnership / regional level to set out who will deliver what.

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