



Briefing Note in support of Amendment 255 'Energy generating stations: efficiency guidance'

1. Why an amendment is needed

The committee last week passed amendment 136 requiring reporting of the emissions intensity of electricity generation, and of new generation plant as part of annual reporting. This amendment aims to ensure that the decisions made on new plant reflect the goals of the Bill over the entire period to 2050.

New or refurbished unabated (or even so-called 'carbon capture ready') coal fired power stations are the exemplar of why what matters is the cumulative amount of GHGs emitted. We estimate that over a 40-year or longer lifetime, a single coal plant the scale of Longannet could use 30-35% of Scotland's total safe and fair carbon budget! Just one plant. This amendment ensures Ministers use powers at their discretion to set an emissions performance standard to new power stations.

2. Powers the Scottish Government currently hold

While most legislative powers relating to such plant are reserved to Westminster, Scottish Ministers currently enjoy administratively devolved powers to grant or refuse consents for such plant, and to establish guidance setting out the conditions under which such decisions will be made. (This has been confirmed with QC's advice).

Thus Scottish Ministers will decide whether fossil-fuelled plant in Scotland makes an early and rapid transition to carbon capture and storage, delivering emissions reductions within Scotland or remain as 'carbon dinosaurs', requiring continued purchase of emissions credits from elsewhere if our targets are to be met.

3. What this amendment does

This amendment would require ministers to use these existing powers to set guidance for consents for new and extended plants which includes a limit on emissions per megawatt hour of energy generated.

It leaves the detail of the levels and scheduling of such a standard to the guidance process, but ensures that such guidance will address how heat recovery is accounted for, and allows for different standards for different technologies and at different times. Last week the Minister claimed that an amendment was constrained by referring only to benchmark emissions from gas. This amendment provides flexibility to set standards which would drive each technology to the appropriate level.

To ensure that the guidance links in with the Bill, Ministers are required to take advice from the advisory body before setting guidance, and to explain why if they take a different approach to that recommended. The UK CCC has already provided advice to the UK government on the average emissions intensity of power generation, so the advice that ministers are required to ask for is reasonable.

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3. Cross Party Support for an Emissions Performance Standard

Such an approach has recently been proposed in a private members bill at Westminster, supported by Liberal Democrat, Conservative, Labour and SNP members; has been supported by several Labour and Liberal Democrat MSPs; and is already in operation in a number of US states, notably California, where it has demonstrated effectiveness in helping reduce emissions, and improve energy security through enhancing investment certainty.

4. Issues the Minister may raise

- Within Scottish Government powers?

A leading QC – Aidan O’Neill, has answered the question of whether the Minister enjoys such powers affirmatively.

- Seeking of advice linking with advice on annual targets

The section which asks the advisory body to put its advice in terms of cumulative emissions, is phrased so that it asks for that advice separately, and not at a time when it is giving advice on annual targets – therefore it would only have to ask when setting this guidance, and would have to get advice on a cumulative budget at the same time.

- Out with powers of advisory body?

The same section could be challenged as setting a duty on the UK body – but the duty is merely on the ministers to ask for advice, so this would not be outside the scope of this bill.

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