



# Stop Climate Chaos Scotland

## Climate Change (Scotland) Bill Briefing on Stage 2 amendments, Day 3

This briefing sets out Stop Climate Chaos Scotland (SCCS) views on the list of amendments for stage 2. The table below lists the amendment number, the section of the Bill to which it applies, SCCS comment on the amendment, and whether it should be supported. **Amendments are grouped as per the Grouping of amendments list** (although amendments we have not commented on are not listed). Where there is nothing in the far right column SCCS does not have a position - although we have still chosen to comment. **A simple list indicating support per the marshalled list is appended.**

Amendment No(s)	Section in Bill	Title of grouping / SCCS Comment	SCCS Position
222 Iain Smith (on behalf of EET)	48	<b>Promotion of energy efficiency: general duties and targets</b> As currently drafted, the Bill would effectively water down the existing statutory requirement for Ministers to improve the energy efficiency of domestic accommodation. This amendment rectifies this problem.	<b>Support</b>
223 Iain Smith (on behalf of EET)	48	This amendment would require the energy efficiency action plan to include targets. We believe the usefulness of an action plan would be extremely limited without targets, and therefore believe it is essential that this amendment is passed.	<b>Strongly support</b>
252 Patrick Harvie	48	It is clear that much greater effort in energy efficiency will be needed if Scotland is to reduce its emissions in line with the targets earlier in the Bill. This amendment proposes specific energy efficiency targets. The coalition supports the inclusion of targets in the energy efficiency action plan (Amendment 223), rather than in primary legislation.	
232 Iain Smith (on behalf of EET)	Schedule 2	This amendment would delete the repeal of section 179 of the Housing (Scotland) Act 2006, which requires ministers to improve, rather than merely to promote, energy efficiency. Repealing this section would, in the view of the coalition, dilute the requirement on Ministers, and we therefore support this amendment.	<b>Support</b>

251 Sarah Boyack	48	<b>Contribution of planning and building regulation to reduction of emissions</b> This amendment also has the support of the Energy Efficiency and Microgeneration (Scotland) Bill steering group. As planning policy currently stands, it supports microgeneration in new build, but does not incentivise insulation standards more ambitious than building regulations. This amendment would help to incentivise both insulation and microgeneration, as well as putting in place an 'escalator' percentage for microgeneration, in order for Scotland to achieve net zero-carbon new buildings by 2016-17.	<b>Strongly support</b>
271, 272 Sarah Boyack		These amendments also have the support of the Energy Efficiency and Microgeneration (Scotland) Bill steering group. These amendments would strengthen the current requirement in Scottish Planning Policy 6 (renewable energy) for the promotion of microgeneration technologies.	<b>Strongly support</b>
154, 155, 156, 161 Stewart Stevenson	48	<b>Promotion of renewable heat</b> Amendment 154 offers clarification and tidying. Amendment 155 requires a renewable heat action plan, which we welcome, but doesn't include targets. In our view therefore, it does not go far enough.	<b>Support</b>
155a Rob Gibson	48	This amendment would require the Scottish Government to include targets in its renewable heat action plan. The coalition strongly supports this amendment, since we believe an action plan without targets is unlikely to be effective.	<b>Strongly support</b>
254 Rob Gibson	49	This amendment requires a ministerial statement following the tabling of a plan on energy efficiency or renewable heat. We welcome the intent behind this amendment, which increases transparency and ministerial accountability.	<b>Support</b>
270 Sarah Boyack	After s51	This amendment would require renewable heat targets, and is an alternative approach to amendment 155a in the name of Rob Gibson, above, which the coalition supports.	
253 Iain Smith	48	<b>District heating</b> This amendment attempts to support district heating schemes. Certainly district heating and 'combined heat and power' have an important role to play in reducing greenhouse gas emissions, and to that extent we welcome the intention behind this amendment.	

265 Lewis Macdonald	After s50	This amendment would require the Scottish Government to bring forward changes to regulations to exempt equipment associated with combined heat and power plants from business rates. Since combined heat and power plants have the potential to substantially reduce greenhouse gas emissions, we strongly support the intention behind this amendment.	
255 Liam McArthur	After s49	<b><u>Energy generating stations: efficiency guidance</u></b> This amendment would set a maximum greenhouse gas emission standard per kilowatt hour of electricity produced. It is an interesting proposal, which is worthy of debate.	
256 Patrick Harvie	After s49	<b><u>Energy efficiency finance scheme</u></b> One of the main barriers to investment in energy efficiency is the difficulty in accessing the up-front costs of installing energy saving measures, despite the fact that most of these measures save money in a very short time. This amendment would require the Scottish Government to bring forward an energy efficiency finance scheme to address this issue. A similar scheme in Germany has saved over 16MtC and generated or safeguarded around 318,000 jobs. Ref: <a href="http://www.scotland.gov.uk/Topics/Business-Industry/Energy/latest-news/Potentialforloans">http://www.scotland.gov.uk/Topics/Business-Industry/Energy/latest-news/Potentialforloans</a>	<b>Strongly support</b>
224, 226 Liam McArthur	50	<b><u>Assessment and improvement of energy performance: non-domestic buildings</u></b> These strengthen the shortcomings in Government amendments 157 - 160 below on non-domestic buildings, requiring Ministers to bring forward a timetable for when they will use the powers.	<b>Strongly support</b>
225, 160A	50	SCCS prefers amendments 157 – 160 below, in conjunction with 224 and 226 above.	
157, 158, 159, 160 Stewart Stevenson	50	These will give Ministers powers to require the owners of non-domestic buildings to undertake building improvements included in an energy performance certificate. While we support this move, we believe simply taking powers does not go far enough: Ministers should also set out a timetable as per amendment 226 for when they intend to start using the powers. In addition, it is unclear how many buildings this would apply to (it is imperative that this requirement is introduced uniformly, with all non-domestic buildings covered).	<b>Support</b>
227 Iain Smith (on behalf of EET)	50	<b><u>Assessment of energy performance of living accommodation</u></b> SCCS welcomes this amendment and strongly believes we must take action to tackle emissions from domestic buildings. This enabling legislation will permit Ministers to put in place minimum standards for domestic housing.	<b>Support</b>

257 Lewis Macdonald	After s50	<b>Alterations to buildings: impact on energy performance</b> This amendment would require the Scottish Government to bring forward changes to building regulations to require building owners who undertake extensions or refurbishments to invest a proportion of the project cost in improving the energy performance of the original building (so called 'consequential improvements'). It is essential that any reasonable opportunity is taken to improve the energy efficiency of our building stock, since buildings account for around 47% of our greenhouse gas emissions. This amendment would deliver that.	<b>Strongly support</b>
238, 258 Alex Johnstone	After s50	<b>Council tax and non-domestic rates: energy efficiency discounts</b> SCCS welcomes the intention of these amendments and notes that fiscal measures can be extremely useful in encouraging behaviour change, including energy efficiency measures. Amendment 258 would give local authorities the power to offer council tax discounts for energy efficient dwellings. This is an alternative approach to that proposed by Sarah Boyack MSP under amendments 259 - 263 below, which the coalition supports.	
259, 260, 261, 262, 263 Sarah Boyack	After s50	These amendments also have the support of the Energy Efficiency and Microgeneration (Scotland) Bill steering group. These amendments would require the Scottish Government to bring forward regulations to offer council tax and business rates rebates to those installing energy efficiency or microgeneration measures. Sarah Boyack MSP has developed these proposals over a number of years, in association with a number of NGOs and other organisations who are members of a steering group advising and supporting her. Research by the Energy Saving Trust has found that council tax discounts are "the most promising " of fiscal incentives to encourage energy efficient behaviour. We strongly urge the committee to support these amendments.	<b>Strongly support</b>
264 Iain Smith (on behalf of EET)	After s50	This amendment would give local authorities the power to offer council tax discounts for energy efficient dwellings. This is an alternative approach to that proposed by Sarah Boyack MSP under amendments 259 - 263 above, which the coalition supports.	
266 Sarah Boyack	After s50	<b>Climate change burdens</b> The intention behind this amendment, to reduce greenhouse gas emissions, is supported by the coalition.	

267 Lewis Macdonald	After s50	<p><b>Promotion of energy efficiency: housing-related measures</b></p> <p>This amendment is also supported by the Scottish Federation of Housing Associations, Shelter Scotland and Energy Action Scotland.</p> <p>This amendment would set minimum energy efficiency standards at point of rental for private rented accommodation, in line with the minimum standard that already applies to the social rented sector through the Scottish Housing Quality Standard. The private rented sector is particularly difficult to tackle in terms of energy efficiency: studies have shown that while energy efficiency levels in the social rented sector have risen steadily over recent years, those in the private rented sector have remained nearly static. The Westminster Government is currently considering this change. Supporting this amendment allows Scotland to lead in reducing emissions from the built environment.</p>	<b>Strongly support</b>
268 Cathy Peattie	After s50	<p>This amendment would correct an anomaly in current guidance on the minimum standards for tolerable housing, which requires loft insulation where it can be installed, but does not require cavity wall insulation where that can be installed. Yet, cavity wall insulation is one of the most cost-effective insulation measures, where the house can benefit from it. This amendment would require cavity wall insulation to be installed, where a property is suitable, in order to meet the tolerable standard.</p>	<b>Strongly support</b>
269 Lewis Macdonald	After s50	<p>This amendment would allow local authorities to enforce energy efficiency improvements in tenements. Existing homes represent one-third of Scotland's carbon emissions. 20% of Scotland's existing homes are tenements, and of those 31% were built before 1919. In the majority of cases it is all but impossible to secure the agreement of all the tenants to allow energy efficiency improvement works to proceed. This blocking by a minority of tenants must be overcome or these tenements will never be made energy efficient and many residents are condemned to, or put at risk from, fuel poverty.</p>	<b>Strongly support</b>
273 Sarah Boyack	After s51	<p><b>Permitted development rights: microgeneration equipment</b></p> <p>This amendment also has the support of the Energy Efficiency and Microgeneration (Scotland) Bill steering group. The publication of a new permitted development order earlier this year which removes the requirement for planning permission for certain microgeneration technologies was welcome. However, two technologies were not covered: air source heat pumps and micro-wind. This amendment would require the Scottish Government to bring forward a new order within six months, which would cover these two technologies.</p>	<b>Strongly Support</b>

274 Liam McArthur	After s51	This amendment would require the Scottish Government to consult and bring forward a new order to exempt certain microgeneration technologies from the requirement for planning permission in relation to non-domestic properties. The previous Scottish Executive commissioned research into this subject many years ago, which recommended the exemption of many technologies. This change is long overdue.	<b>Strongly support</b>
275 Shirley- Anne Somerville	After s51	<b>Energy performance: public sector buildings</b> This amendment would require the Scottish Government to procure new-build offices in the top quartile of energy performance, and is therefore a welcome statement of Government leadership. However, we are concerned that it is insufficiently ambitious: the vast majority of new build offices would, if they are built to building standards, already achieve a top quartile score in energy performance: the real challenge is in new leases on existing offices. In addition, this amendment would only cover the core Scottish Government estate, and would not cover agencies and non-departmental public bodies. <b>Whilst we support the intention of this amendment we do not feel it goes far enough. We would recommend the committee agree to amendment 278 below in addition to this amendment to ensure positive action.</b>	<b>Support</b>
276, 277 Shirley- Anne Somerville	After s51	This amendment would require the Scottish Government to report annually on emissions from its own estate, and to explain if any new build procured is not in the top quartile of energy performance. This amendment would create similar requirements on the Scottish Government as the Westminster Government is already under, as required under section 86 of the Climate Change Act 2008. Amendment 277 provides definitions for this group of amendments.	<b>Strongly support</b>
278 Cathy Peattie		This amendment would require the Scottish Government, and associated agencies and non-departmental public bodies, to procure only buildings in the top quartile of energy performance. This amendment is stronger than amendment 275 above, and is therefore the coalition's preferred amendment. This amendment would also apply to new leases of premises that are not necessarily new-build, and would therefore provide a welcome boost to the non-domestic retrofit industry, which amendment 275 would not. A recent report found that emissions from Scottish Government buildings increased by 2.5% last year. This amendment would help to rectify this problem.	<b>Strongly support</b>

242, 242A Elaine Murray	After s52	<p><b><u>Disposal of waste</u></b></p> <p>The Pollution Prevention and Control Act 1999, provides the Scottish Government with enabling powers for waste regulations which could include banning certain materials from certain disposal options. This amendment directs Scottish Ministers to use such powers by making regulations to introduce selective landfill and incineration bans to ensure effective use of recyclable materials or wastes suitable for energy recovery by appropriate practices. These provisions are based directly on the practices applied in Flanders, where the recycling rate is now around 70% and would have the effect of dramatically decreasing the amount of unsorted industrial and commercial waste going to landfill (as recommended by the RAE Committee).</p>	<b>Strongly Support</b>
248 Alison McInnes	Before section 62	<p><b><u>Judicial review</u></b></p> <p>This amendment is designed to ensure that Ministers are properly accountable to both parliament and the public for the conduct of their duties under the Act. In theory, Minister's decisions under this Act are judicially reviewable. The key problem is that access to judicial review in Scotland is costly, difficult and not in line with the Aarhus Convention. This amendment would enshrine the principles of Aarhus in the Act, ensuring that the Scottish courts would comply with them in such cases.</p>	<b>Strongly Support</b>

249, 249B and 249A	Before section 62	<p><b><u>Sustainable development</u></b></p> <p>SCCS strongly welcomes the concept of an over-arching sustainable development duty in the Bill, and indeed feels it is essential if we are to tackle climate change in a responsible fashion. How we respond to climate change is a matter of enormous significance for our environment and human kind. Climate change action, which affects all sectors, must be set within the context of a sustainable duty, as social and environmental inequalities would undermine successful delivery. SCCS has campaigned for the Scottish Climate Change Bill to ensure climate change is addressed in a fair and sustainable way by delivering climate change mitigation and adaptation in accordance with the principles of sustainable development: respecting environmental limits; delivering fair social outcomes; and supporting a stable economy. The UK Climate Change Act 2008 contains duties to ensure that policies and programmes for meeting carbon budgets and adapting to climate change, contribute to sustainable development. Sustainable development duties have already been established and defined in Scottish law in connection with planning and water services legislation. With climate change legislation providing such a high level steer for our future actions, it is essential that a sustainable development duty is also included in the Scottish Bill. A sustainable development duty is necessary to ensure that Scotland’s efforts to cut greenhouse gas emissions, which aim to be world-leading, do not ignore the needs of the vulnerable, here and around the world. As well as our historic international responsibilities, having been major contributors to global warming, we have a responsibility to avoid further unsustainable action on communities that are vulnerable to social and/or environmental damage. Making that commitment by reference to sustainable development principles, which include a just society, will, alongside the equality duties, mean that Scotland’s climate change response properly addresses differential climate change impacts, for example the impact on women of access to public transport, or how energy measures might impact on people living in fuel poverty.</p>	
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249 Des McNulty		SCCS recognises the form of words in the duty imposed by this amendment would provide an excellent sustainable development framework. However, <b>we are extremely concerned that extending the sustainable development duty in this section to “each relevant public body” risks undermining and contradicting the sustainable development duty already agreed to in amendment 198 last week. To agree both sustainable development duties on public bodies, when they are worded differently and therefore could be interpreted differently risks confusion, inaction and legal challenge.</b> <b>SCCS strongly urges the committee to accept amendments 249B and 249A alongside amendment 249. We must have an over-arching sustainable development duty on Scottish Ministers in the Bill if we are to tackle climate change in a fair and equitable way.</b>	<b>Support but with 249B and 249A</b>
249B Alison McInnes		This amendment serves to remove the uncertainty created by the inclusion of “each relevant public body” in the sustainable development duty.	<b>Strongly Support</b>
249A Shirley- Anne Somerville		As currently constituted it is likely that the advisory body will not be covered by the Scottish Bill’s public body duties so it is essential that it be included in this overarching duty so that when giving advice it considers Scotland’s intent to tackle climate change in a sustainable manner. Furthermore, the wider functions under the Bill of Scottish Ministers and the advisory body necessitate their being subject to this over-arching duty.	<b>Strongly Support</b>

**Marshalled list** (only featuring amendments on which SCCS has a position)

<b>Section</b>	<b>Amendment Number</b>	<b>SCCS Position</b>
48	222	<b>Support</b>
	223	<b>Strongly support</b>
	251	<b>Strongly support</b>
	154	<b>Support</b>
	253	<b>Support</b>
After section 48	155	<b>Support</b>
	155A	<b>Strongly support</b>
Section 49	156	<b>Support</b>

	254	<b>Support</b>
After section 49	256	<b>Strongly support</b>
Section 50	224	<b>Strongly support</b>
	157	<b>Support</b>
	158	<b>Support</b>
	159	<b>Support</b>
	160	<b>Support</b>
	226	<b>Strongly support</b>
After section 50	227	<b>Support</b>
	227A	<b>Support</b>
	227B	<b>Support</b>
	257	<b>Strongly support</b>
	259	<b>Strongly support</b>
	260	<b>Strongly support</b>
	261	<b>Strongly support</b>
	262	<b>Strongly support</b>
	263	<b>Strongly support</b>
	267	<b>Strongly support</b>
	268	<b>Strongly support</b>
	269	<b>Strongly support</b>
After section 51	273	<b>Strongly support</b>
	274	<b>Strongly support</b>
	275	<b>Support</b>
	276	<b>Strongly support</b>
	277	<b>Support</b>
	278	<b>Strongly support</b>
Before section 62	248	<b>Strongly support</b>
	249	<b>Support (with amendment 249B and 249A)</b>
	249B	<b>Strongly support</b>
	249A	<b>Strongly support</b>

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Stop Climate Chaos Scotland (SCCS) is a growing coalition of organisations campaigning on climate change. SCCS brings together environment, faith and development organisations, trade unions, community activists, and women's and students' groups.

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