

Please find attached the papers in respect of Item 5 on the agenda for the above meeting

5.	Briefing: Sustainable Development Committee (Pages 1 - 22) (Papers attached).	20 mins
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BRIEFING NOTE

SUSTAINABLE DEVELOPMENT COMMITTEE

31 January 2020

Climate Change Action/Climate Emergency/Sustainable Development

1. Background

This is the first meeting of the Scottish Borders Council Sustainable Development Committee. The Committee was established by Council at its meeting of 29th August 2019 following consideration of a report on ['Embedding Sustainable Development'](#) -

At this meeting, the Council agreed:

- a) formally to commit to implementing the [UN Sustainable Development Goals](#) as they relate to local government;
- b) that a Sustainable Development Committee be established in order to drive and monitor the implementation of the UN Sustainable Development Goals as they relate to local government:
 - (i) that the Committee be constituted with a membership of 9 members, comprising 5 members of the Administration and 4 members of the Opposition;
 - (ii) that the Committee review recent decisions and actions of the UK and Scottish Governments, UK local authorities and Borders wide voluntary sector initiatives, with a view to making recommendations as to how the Council can exercise leadership in tackling climate change; and
 - (iii) that the Committee shall report to Council annually on progress;
- c) to note that, to support implementation of sustainable development, the Sustainable Procurement Policy Group would be renamed 'the Sustainable Development Group' and its role extended to ensure that appropriate practice was adopted and followed in how the Council undertook the full range of its activities; and
- d) that the appointment of Members for (b)(i) above be considered at the next Council meeting in September.

Subsequently, at the Council meeting of 26th September, 9 members were appointed to the Sustainable Development Committee with Councillor Aitchison being appointed as Chair.

It was intended that the first meeting of the Committee take place during the second week of December 2019, but this was impacted by the calling of a General Election.

2. Agenda

The main business for the first meeting of the Committee are

- i. a presentation by Dave Gorman, Director of Social Responsibility and Sustainability at Edinburgh University, on embedding sustainability within large, complex organisations, and
- ii. a presentation on climate change and the need for action by the Council.

3. Sustainable Development Group

Comprising both Executive Directors, the Director for Assets and Infrastructure, and officers from across Council services, the SDG has met twice to agree the details of its remit and membership, and to consider priority areas of Council activity and methodologies for assessment of sustainability and carbon appraisal.

The SDG has also co-ordinated Council responses to 3 recent Scottish Government consultations (attached and accessible through the following hyperlinks) –

- [The Role of Public Sector Bodies in Tackling Climate Change](#)
- [Scottish Government's Local Energy Policy Statement](#)
- [Circular Economy: Proposals for Legislation](#)

4. Performance Indicators

A key step in ensuring that the Council delivers improved sustainable development performance is ensuring that we can measure progress. Some appropriate indicators already exist but it is clear that there are gaps. A vital task of the SDG will be to develop a suite of performance indicators, which can support improvement. Some potential measures, such as energy savings, and street cleanliness are already reported. Consideration will need to be given to which indicators should be reported where, as well as to the refinement of existing indicators and the development of new indicators. Reflecting the salience of climate, including the targets established by the recently passed Climate Change (Emissions Reduction Targets)(Scotland) Act 2019, particular attention will need to be paid to monitoring the Council's action on climate change.

It is expected that updates on this activity will be reported to the next meeting of the Committee.

5. Priorities

A presentation later in the Committee agenda considers the urgency of climate action by governments, other public bodies (including the Council) and of society as a whole.

Other priority areas identified by officers include– energy, transport and biodiversity. Clearly, there is considerable overlap between these, and the priority on climate action.

The Council has been investing in energy saving projects for a number of years, and this programme will continue producing carbon savings and cost savings. With changes to electricity and gas networks, increasing embedding of renewable energy generation, SMART local networks and increasing adoption of electric vehicles, our ability to engage and obtain benefits from these changes are increasingly crucial.

Low carbon, effective and accessible transport is a critical challenge and highly resonant in rural areas like the Scottish Borders. The creation of the South of Scotland Enterprise agency provides the Council with a vital ally in addressing that challenge across the South of Scotland.

Climate change is one of two existential and profoundly interrelated threats to current life on earth. As reflected in the May 2019 report of Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the other is biodiversity (and ecosystems) loss. It is as urgent and consequential as climate change. The IPBES Report finds that around 1 million animal and plant species are now threatened with extinction (see Australia), many within decades, more than ever before in human history. This is the sixth global extinction event, and the first to be perpetrated by mankind. The work of David Attenborough and the BBC's Wildlife Unit notwithstanding, biodiversity loss has not had the degree of public focus that has climate change. Radical change to how public bodies and citizens act and their expectations are needed, including dramatic increases in tree planting, sustainable land use and farming practices and habitat and species protection.

LC/MC 22/01/20

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The role of Public Sector Bodies in tackling climate change: A Consultation

Consultation Questions

Scottish Borders Council Response

Q1. What additional training, information or guidance do you think Public Sector Bodies need to help them increase their action on climate change?

Training

In order to increase effective action on climate change public bodies require comprehensive training across a wide range of topic areas. With reductions in public sector spending over recent years, the capacity of organisations, particularly Local Authorities, to plan for and deliver significant carbon reduction programmes has been severely restricted. These restrictions continue and are being exacerbated in many Councils, which at a time of increased expectation on public bodies to lead and deliver carbon reduction activity, highlights issues of prioritisation and commitment to effective delivery.

There is a need for specific training in –

- Infrastructure project and capital programme carbon assessment and mitigation
- Carbon accounting to support low carbon business cases
- Corporate and leadership training in sustainability/climate change and low carbon organisational transformation
- Training for Elected Members and Board members in climate change impact and carbon reduction
- Carbon impact assessment for service managers
- Delivery of behaviour change actions embedded across organisations
- Carbon literacy to allow accurate assessment of progress against targets and clear accountability in reporting
- Overall increased commitment to CPD for all staff to ensure organisations are aware of low carbon and climate proofed innovations in project and service delivery
- Innovative solutions for very rural areas, particularly rural housing, business developments, infrastructure, transport and access to services

Training must include both carbon reduction and climate change impact/risk assessment and identify the need for adaptation activity across all sectors and service areas.

Information

Accessible and up to date Information is required on emissions at organisational level and area wide for geographically based organisations, principally Local Authorities, Health Boards, etc.

Information is also required on developing area-based wider energy systems information covering emissions from heat, electricity, transport and wider resource use mapping.

In addition, information on developing policy at international, European, UK and Scottish levels, changes in legislation and economic models. Good practice information on projects, case studies on innovative methods and new technologies. Network contacts of appropriate practitioners to support ease of collaboration and exchange of ideas, currently effectively provided by the Sustainable Scotland Network.

Guidance

Greater guidance is required on what level of accountability is likely to be expected; currently there are no direct consequences or follow up from inaction.

Clear and specific guidance is required on the definition of 'net zero' and what emissions sources should be included in reports and projects.

The status of guidance must be clearly expressed, with detailed examples of application of the range of government, NGO and sector bodies publications. Thus far, much guidance produced by the Scottish Government has not been presented at 'statutory', with many public bodies not taking guidance forward into practice. Public bodies require clear and consistent mandatory drivers, backed with robust monitoring, reporting, verification and accountabilities.

Clearer and stronger 'guidance' for public bodies would assist with the embedding of climate change action within Community Planning Partnerships, helping to deliver appropriate place based solutions and opportunities. The need to effectively engage with communities in the delivery of place based solutions also requires clear guidance, setting out good practice examples and methodologies to facilitate and resource such engagement.

Guidance is essential on what good governance within organisations looks like, supported by terms of references, practical arrangements, strategy and policy mapping. It is crucial to remove the silo approach to climate change action, ensuring that commitment to delivery is embedded across all service areas, being led from the top by senior management and boards.

Guidance is needed on aligning public body functions and roles with delivery of commitments in the Climate Change Plan and Climate Change Acts. This Guidance should clarify and improve understanding of the vertical alignment of public sector bodies with national emissions inventories and emission reduction plans.

Guidance should be developed for major public sector investments and projects, including public events (sporting, cultural and civil events), and major infrastructure projects, with existing ISO and PAS standards for infrastructure and event carbon management forming the basis of guidance and expected requirements.

One final point: this relates to concern over areas of policy conflict between for example education provision and buildings management in terms of school design and health issues, e.g. the use of mechanical ventilation for air quality reasons. Scottish Government must seek to align its own policy approaches across departments and sectors, so that there is a consistency of approach, and that all policy is reconciled to what policy objectives are paramount. The frequently unacknowledged tension between fuel poverty and carbon reduction is an obvious example of this issue.

Q2. What are your views on the proposed structure for the High Ambition Climate Network of Chief Executives and Elected Members?

A High Ambition Climate Network (HACN) should help develop engagement with senior public sector leaders who are already leading on climate change action. However, there is little detail proposed on how such a network would be developed, the selection of members of the network, and expected outputs, responsibility, purpose, scrutiny. It is not clear how such a network would ensure delivery without further support from a network of practitioners, such as the Sustainable Scotland Network (SSN). Indeed, we have some concern at the Scottish Government's decision to cease funding for the secretariat of SSN. While it makes sense to augment our individual and collective efforts by ensuring the engagement of key strategic leaders and decision-makers in our organisations, linking them to technical understanding of the issues, and those who are most expert on the subject in their organisations is a matter of practical sense. SSN provides a ready-made network in this respect, which it would make more sense to augment and build upon than to discontinue.

The HACN should function as a leadership group, not simply a discussion forum, members should ensure effective delivery of clear actions both within their own organisations and at a strategic sectoral level. Peer support and facilitation across public bodies must be a key role for the network, as well as lobbying of government to strengthen policy, legislation, guidance and resource. The question of membership, in terms of officers, elected members and board members needs to be clarified.

Support and management of the network needs to be clarified, and linkages of such a network to existing groups such as SLAED, Heads of Planning, etc, to ensure no duplication. A first step is clearly to consult on a detailed remit, with role profiles for network members. Details of communication management for the network are required as well as key outputs and work plans.

The network must provide essential additional benefit to existing structures, not reduce the impact of officer level networks. The networks should identify which public bodies should be prioritised for support with emphasis on those less ambitious organisations.

Q3. Do you agree that Public Sector Bodies should be required to set targets for when they will achieve zero direct emissions, and for reduced indirect emissions?

Yes / no / don't know Please explain your answer.

The setting of targets is perhaps premature. If public bodies are to be able to set meaningful targets, then, first, we must have a clear understanding of the relationship between national targets and the contributions required of different sectors in meeting those objectives. As matters stand, stakeholder requirements, including those for public bodies, are opaque, and many public bodies currently have limited knowledge of the exact levels of emissions which their indirect activities produce. Guidance is needed on aligning public body functions and roles with delivery of commitments in the Climate Change Plan and Climate Change Acts. In short, Scottish Government guidance must clarify and improve understanding of the vertical alignment of public sector bodies' responsibilities with national emissions inventories and emission reduction plans.

Much greater training and guidance is required from the Govt. This should include information and details on external drivers which direct service provision, such as new building standards, decarbonisation of the grid, procurement legislation, etc.

Public bodies require clarity around offsetting in terms of strategic and financial approaches, definitions and rules and requirements of schemes. This applies to all types of partnership working which public bodies are involved with, and which will clearly have to increase significantly to deliver the required level of emissions reductions. Behaviour change as well as physical infrastructure and systems changes will also be essential, and will require to be costed to balance emphasis on which activities will provide the greatest levels of carbon reductions.

Q4. Do you agree that Public Sector Bodies should report annually on how they use their resources to contribute to reducing emissions?

Yes / no / don't know Please explain your answer.

We have some concerns with respect to the Government's proposal for a requirement to report on how spending plans align with emissions reduction targets. This potentially cuts across Local Government's democratic mandate, and its utility is not entirely clear.

Having said this, we also acknowledge that there is risk that, in a focus on governance and process, we overlook the nature and extraordinary demands which responding to the climate crisis demands. As already mentioned, overarching all is the need for much greater clarity from Scottish Government on the correlation between national ambitions and local delivery. This means being explicit about the link between national level programmes and local level impacts and actions, for example, grid decarbonisation, infrastructure management, and transportation. Implicit in this is the need to recognise that, while public bodies can and should be expected to stretch themselves, they represent a comparatively small element of total national carbon emissions, and we will not progress far if expectations in one sector outstrip all others, especially when a significant contributions are required from all sectors.

Q5. Do you agree that the details of what Public Sector Bodies are required to report on should be set out in statutory guidance instead of on the face of secondary legislation (otherwise known as an Order)?

Yes / no / don't know Please explain your answer.

As a matter for practicality this should be statutory guidance. Statutory guidance is more flexible than pursuing legislation. It can respond more quickly to changes, such as new information, proposed improvements. Thus, guidance can be enhanced as we proceed, based on the evidence of delivery and progress.

An on-going standard setting, compliance and updating process must be established, to give the statutory guidance authority and to ensure that it is maintained and implemented well across the public sector.

Q6. Do you agree to the proposed changes to the list of Public Sector Bodies that are required to annually report their emissions?

Yes / no / don't know If you answered no, please specify which aspect of the proposal you disagree with and why.

A system for annual review and updating of the list needs to be put in place. Legislation that reforms, abolishes and establishes new public bodies needs to be reflected and used to inform the maintenance of the Major Players List, with the criteria being regularly reviewed

Training, guidance and support for new bodies within the list must be readily accessible, with details of the associated with responsibilities communicated immediately.

Q7. Do you agree with our proposals for amending the reporting requirements as set out above?

Yes / no / don't know If you answered no, please specify which aspect of the proposal you disagree with.

Questions associated with the proposals are:

- The proposal only addresses a limited scope of emissions, when much wider understanding of emissions is essential to deliver reductions
- Deleting metrics and verification/validation appear to be an unnecessary step in the wrong direction;
- The section on Governance is crucial to ensure senior corporate commitment
- The proposal provides no detail on how the sections on Adaptation, Procurement or Wider Influence will be dealt with.
- The proposal could limit organisational understanding of overall footprint impacts and emission sources, and also reduces understanding of how public bodies can use their functions to address climate change and reduce emissions;
- The proposal could be considered to be counter to Part 4 of the Climate Change (Scotland) Act, which relates to the functions of public bodies, not narrowly defined to public body use of fossil fuels directly on their estates and in their owned vehicles.

Reporting must engender and reflect good practice in monitoring, reporting and verification, based on recognised and trusted standards and methods such as the GHG Protocol standards.

An improved reporting platform could drive efficiency and effectiveness as much as a revision of the reporting questions, a platform able to facilitate ease of data inputs, would vastly improve the efficiency, effectiveness and value of reports; value to public bodies themselves, to national stakeholders and decision-makers, and to the wider public and communities of interest.

The process needs to ensure integrated reporting across the organisation, to strengthen understanding of climate change and emissions reductions in all service areas.

Q8. Is there anything else you think should be added to the reporting duties, or anything else you think should be removed?

There is an opportunity for Scottish Government to lead with a joined-up policy approach to reporting duties. Organisations that are involved in reporting on a number of different fronts to Scottish Government would welcome a more efficient form of return e.g. currently one organisation is preparing separate reports on Procurement, Biodiversity, Performance Framework, Climate Change.

Reporting duties must have the scope to mature, develop and expand in order to address:

- The Sustainable Development Goals and the National Performance Framework
- Biodiversity and Ecosystem services
- Circular economy activities and policy objectives
- Sustainable procurement, linking up statutory reporting requirements

Projects should be included in the reporting as these act as valuable case studies and highlight successful actions to both internal and external audiences.

Detailed analysis and feedback on reporting is essential.

Q9. Do you agree that Public Sector Bodies should each make their own report on emissions reductions publicly available?

Yes / no / don't know Please explain your answer.

Yes, but there is also great benefit in having a central website and central repository for reports.

Reporting and analysis should communicate insights, contribute commentary and statements on status, progress, implications/gaps, and actions required to meet targets and better deliver action. A platform (physical and digital) for sharing reports and assessing peer progress and challenges is critical.

Reporting should be seen as one part of a wider performance management/improvement ecosystem, which includes information on what the reports say, the implications and actions arising, and how actions are going to be taken forward to drive action and delivery.

Maintaining and building a common, clear platform for net zero is critical, and can bring clarity and central commitment and support for action across public bodies.

Better visualisation of data approaches is needed. This needs to invest in scaling up use and transparency of reports from the basic posting of static documents online through to data visualisation, to organisational/independent assessment of performance and forward plans, actions and commitments. We are data rich but knowledge, insight and action poor, so presentation and use of the data in reports needs to change, including the public presentation of reports.

Other comments

There are a number of strategic points we wish to highlight.

As noted in our response to question 3, much greater clarity is required from Scottish Government on the correlation between national ambitions and local delivery. If Scottish Borders Council and other public bodies are to meet the climate challenge, then councils must set ambitious plans and 'will' the means to deliver on those plans. However, the efficacy of those local plans depends on their relationship to the national effort. In this respect, public bodies are at risk of flying blind, not knowing whether or how their

plans contribute meaningfully to that national effort. Scottish Government must provide much greater clarity in this respect. There needs to be a clear understanding of the alignment between public sector bodies' responsibilities and national emissions inventories and emission reduction plans. Without this, the risks of failing to deliver are substantially increased.

As noted in answer to question 2, training is essential. However, highlighting a theme which runs through our responses, we contend that appropriate levels of resource are also essential. There are two aspects to this.

- Firstly, there is a straightforward reality that the increased planning, delivery and monitoring which comes with accelerated and enhanced effort in response to climate change has to be resourced. Routinely, there is not existing capacity to facilitate this. Initiatives such as LHEES have a resource requirements. If delivery is to be assured, then that resource requirement will have to be met.
- Secondly, it must be recognised that the kinds of activity which are necessary to deliver on climate action are typically areas of service unprotected from the efficiencies which flow from reductions in local government resources. According to figures from CoSLA, whereas 34% of budgets were protected in 2013/14, the figure for protected budgets for 2019/20 is 61%. The effect of this is that a 4% reduction in local government funding equates to an at least 10% saving which has to be made from non-protected areas. The consequence is that officers and parts of councils (and other parts of the public sector) which would be expected to address the issue of climate change are already stretched.

It would be expected that, as the Scottish Government has declared a Climate Emergency, this would require a fundamental reassessment of priorities for Government and for public sector spend and service provision, with consideration to which actions should be regarded as mandatory.

In order to understand the route to assess, scope, plan and resource the recommendations within this consultation, other related consultations and the wider Climate Change Plan, Scottish Borders Council is very keen that Scottish Government maintains an active dialogue with it and other local authorities.

LOCAL ENERGY POLICY STATEMENT

CONSULTATION QUESTIONS: SUMMARY

General

1. Are you clear on the purpose of the statement? Please explain your view.

Broadly, the purpose of the policy statement is clear. We support establishment of a guide setting out the practice and behaviours required from all stakeholders. This is essential if localities and Scotland, as a whole, are to deliver on our energy ambitions and, above all, climate commitments.

However, we suggest that there is a degree of opacity in the relationship between different objectives. At page 3, for example, it's stated that 'we must not lose sight that our overall approach to energy is driven by the need to decarbonise the whole energy system.' That's right, but we think that this really isn't as clear as it needs to be. As acknowledged deep in the document, notwithstanding the long-term benefits of a shift to a zero-carbon and a circular economy, there are likely to be costs (at the very least upfront costs) and some trade-offs between objectives will be necessary.

We believe that the best way of addressing this tension is to be absolutely explicit that decarbonisation is the **overriding priority** and all other priorities sit within that paramount objective. The reason for this, as acknowledged in the Programme for Government, the Climate Change Plan and other commitments, is that significant and grave though other issues are (e.g. fuel poverty), the climate crisis (together with the loss of biodiversity and ecosystems) is both an existential threat, and a timed test. In short, if we don't take appropriate action, we will pass a series of irrevocable tipping points with catastrophic consequences.

A further broad point is that, as we move forward, local energy policy, and its relationship with national energy policy will need to be developed into a harder set of requirements and targets. This will complement guidance in the Climate Change Plan and Climate Change Acts which will need to set out the vertical alignment of public sector bodies' and other sectors' efforts with national emissions inventories and emission reduction plans. If these connections are not made, then it will not be possible to deliver the carbon reductions essential to responding to our climate change responsibilities.

The policy statement does not clearly prioritise energy efficiency as a critical aspect of effective and resilient local energy systems. Reduction in demand is critical to the success of the energy transition to decarbonisation, but key questions around behaviour change of consumers, both domestic and business are not given sufficient profile in the document. There must be honesty about the conflicts between continuing to promote economic growth and seeking to manage its environmental and social impacts. Failing to acknowledge these conflicts means that we will certainly fall short. Marginal gains will not be enough. Fundamental changes in expectations and behaviour will be needed if we are to have any prospect of responding to the high level targets identified in the Climate Change Bill.

Much emphasis is placed on consumer protection within the development of local energy systems. However, this must be based on a partnership between active consumers/prosumers who take clear responsibility within their own areas of control, to firstly reduce their energy consumption to agreed levels within the community.

2. What are your views on the 10 principles?

Please see our response to question 1. We suggest that the key principles need to be expressly set within the overriding priority of responding climate change by means of decarbonisation. We accept that this is acknowledged in other places (e.g. Climate Change Plan; Climate Change Bill), but consider that it needs to be expressly set out on each and every occasion, including in relation to the Local Energy Policy Statement.

In this way, it then becomes clear that, for example, placing consumers ‘at the centre of local energy systems development’ is a guiding principle for stakeholders in responding to the overriding priority.

Beyond this caveat, for the most part, there is little to take exception to among the key principles. They appear to reflect the kinds of things we should aspire to in terms of good practice.

The exception is that we do have a concern over the phrasing of key principle 9. This states: ‘Local energy systems should support the creation of quality jobs, which are secure and sustainable, as well as the development of the Scottish supply chain.’ In respect of the reference to development of the Scottish supply chain, it simply needs to be recognised that as a matter of geography, the Scottish Borders (and Dumfries & Galloway) border England. Supply of goods and services in energy has, as with other sectors, the potential to be cross-border. The point is reinforced by the commissioning of an Energy Masterplan within the Borders Inclusive Growth Deal, which includes the three most northern English local authorities (Northumberland, Cumbria and Carlisle City) as well as the two most southern Scottish ones Scottish Borders and Dumfries & Galloway). Scottish Government and UK Government supported, the Energy Masterplan aims to develop a whole system approach to the generation and utilisation of energy across the significant geography of the region (c9000 sq. miles), using a range of technologies and commercial and community investments in existing and future capacity. Clearly, from a Scottish Borders (and Dumfries & Galloway) perspective, we would not wish developments within the Energy Masterplan to conflict with the key principles of the Local Energy Policy Statement.

Lastly, at key principle 4, we assume the reference to ‘local energy plans’ is reference to LHEES, or are we talking about something else? A bit of clarity about some of these relationships would be helpful.

3. How can the Scottish Government encourage stakeholders to adopt the principles set out within this document?

The principles are generic in nature and appear broadly to support features of good practice.

Probably the most significant single step that could be taken to encourage stakeholders to adopt the principles would be for Scottish Government to specify who they think the key stakeholders are and to consult with them directly. Other important steps will be appropriate levels of funding support, and a consistent long-term approach to energy policy and regulation.

In terms of the role of Local Authorities, and particularly their statutory planning functions, there must be clear requirements set out, with resources identified to support delivery of such activity. Policy integration across all service areas within Councils, and other public bodies, is essential to set out clear requirements to develop and deliver local energy plans. This should be developed at Community Planning Partnership level, bringing in additional partners, such as utility companies, as required. Consideration of penalties for lack of delivery is not considered clearly, but in order to ensure the necessary changes in operation, it is suggested that this will be essential. There is also a vital caveat: the efficacy of penalties depends critically on adequacy of funding in the first place. If

funding is insufficient, then penalties will simply create a vicious cycle further depleting the resources to needed to deliver.'

4. Are you clear about the roles of all the different stakeholders who may be involved in the development of local energy systems?

We think so, but there are likely to be skills/capacity issues in some localities, which militate against progress. Funding and the provision of capacity nationally from which we and others can draw on will help us respond to these issues.

People

5. How can we ensure that all socio-economic groups in all regions across Scotland will benefit from the transition?

It is clear from the principles and the supporting document that stakeholders are expected to place people at the heart of developing effective carbon-friendly energy systems (within the overriding priority). This will entail responding to consumer, householder and community expectations as well as shaping their behaviours towards a net zero carbon future. That will necessitate different kinds of interface and forum. We believe that the generic phrasing of the key principles should be left to maintain flexibility, but we would expect careful assessment of data (including SIMD) and interaction through surveys, drop in-sessions and engagement events, promoting as far as possible the co-production of solutions, and ongoing feedback in the context of implementation and post-implementation.

The greatest challenge in all of this is likely to be reaching those individuals and communities who have limited time to interact. There is no single methodology for reaching them. We need to be willing to develop contacts through a range of less typical face-to-face interactions in health, housing, work/skills/benefits contexts, as well as using digital means, such as social media.

Finally, decarbonisation communications must be prioritised by all public bodies in their engagements with clients. Being able to personalise messages will be essential, but should be within the ability of practitioners who are already engaged in the tailoring and prescribing of support for clients.

6. How can we ensure that people and communities across the whole of Scotland can participate in local energy projects?

This is closely linked to the points above. Using existing partnerships and structures to deliver decarbonisation/energy efficiency/demand reduction actions. In addition, comprehensive integration of behaviour change messages must be taken forward by the education system. All too often this area of work is side lined. In busy schools, with curriculum demands, it can be a teachers struggle for teachers to support Eco Schools activity. Senior management commitment is essential, and Scottish Government should seek to support this through resources and some direction. Education on lifestyle issues, such as healthy eating, has had much attention starting at nursery and pre-school ages, the same level of commitment must be shown for energy consumption. This should be universally and consistently delivered across all communities.

Places

7. What do you think the wider benefits of developing local area energy plans might be?

Reduction in fuel poverty levels, local employment opportunities in the development and management of local energy systems, reduced spend on energy - facilitating retention of spend in the local area, benefits to local businesses and public buildings acting as anchor loads/bodies in local communities, greater appeal of local area due to efficiency of homes, business premises, public buildings, greater sense of community value and cohesion and therefore civic contribution to community wellbeing, etc.

8. How can we encourage greater collaboration between the key parties involved in the development of local energy plans?

Develop a legislative requirement for parties to contribute, through procurement and planning processes for public bodies. Highlight benefits to local businesses through support for training for the construction sector for example. Produce more and publicise better, some key case studies very quickly to demonstrate benefits and methodologies. SG should strategically identify phases of local energy plans and systems (wider than LHEES perhaps) and work with local bodies to ensure implementation. Councils should work together in peer groups clustered around similar typologies to develop solutions for sets of like conditions, e.g. off gas, rural, 500-1000 population, local school, etc.

Furthermore, Scottish Government should put in place standardisation and regulation around Energy Supply Companies (or even set up regional ESCO's) to engender the operational framework to create viable larger scale local energy supply in a way that is regulated, audited and trusted by the public.

9. How do we ensure that whoever is leading a local energy plan is fully integrated into the LHEES process?

Make it clear what is expected of a LHEES – what should the outcomes be, clear and costed plans for project delivery, clear benefits to participants and to local consumers. There appears to be a need to set clear boundaries between what a LHEES should be and what a wider energy plan should include. We understand issues over devolved responsibility for certain energy issues, but this shouldn't be an excuse for confusing and delaying development of these processes. Why don't we pursue the development of holistic energy/decarbonisation plans and then pick out the actions which SG can fully support delivery of, being mindful not to commit to projects which may result in unintended consequences, or limit other actions later on.

Networks & Infrastructure

10. What infrastructure challenges are you aware of that present an obstacle to delivering local energy projects? What actions would help solve the issue?

Rural infrastructure issues, population densities and economies of scale, travel needs, business infrastructure and energy demands, grid access, cost of retrofit and new development installation.

An issue with establishing local energy generation and consumption systems is lack of a regulated and well understood mechanism for transmitting and trading energy. Standardisation and regulation around Energy Supply Companies is required to allow the operational framework to create viable larger scale local energy supply in a way that is regulated, audited and trusted by the public.

Energy markets have been pushed to greater and greater flexibility in consumer energy choices but for local energy projects to be successful and gain sufficient financial and political support they require a long term commitment for energy purchase. This can be achieved for public sector in some cases but generally peer to peer energy supply will be key in the establishment of dynamic local energy supply systems. Private wire systems are expensive and present challenging legal and political issues.

There is a need for grid infrastructure to act as an enabler to unlock potential investment in local energy supply opportunities. By well structuring grid service costs this can drive the relative collocation of producers and consumers.

11. What other actions could the Scottish Government take to ensure Scotland will have the necessary infrastructure in place to enable resilient, local energy systems?

- The future energy model is still uncertain. Although some broad approaches are outlined we have no clear path to achieve these goals and the socioeconomic model that will deliver the changes required. As such we struggle to develop a clear strategy in the long term as the long term ambitions are undeliverable in the current economic model.
- Once we have a clear pathway as described the dialogue between local authorities and DNO (or DSO) needs to improve as it appears to be mainly based on goodwill and happenstance. There needs to be a clear standardised approach to ensuring that infrastructure development is coordinated with local development.
- Private wire arrangements are unsustainable in the long term and raise many issues relating to landownership, legal agreements etc. Peer to peer trading via the grid would allow local energy systems to be established more flexibly. A regulated procedure and market needs to be established to enable this.
- Generally heat networks appear financially unfeasible in rural areas due to low population density. If we are to develop small scale heat networks then there would be a requirement for some sort of financial support mechanism as current models are not self-sustaining.

Pathway to Commercialisation

12. What significant barriers are there to the replication of existing local energy projects and systems in Scotland that this policy statement should take account of?

Huge need for support for communities and local businesses to be able to take part – or lead – the development of local energy plans and their implementation. Communities and consumers are still far too passive and require significant support to become sufficiently active and informed about energy issues and opportunities. Work is being done by Highland and Islands Enterprise and Community Energy Scotland. However, areas like the South of Scotland have struggled to make progress, and are therefore starting from a somewhat disadvantaged position. Capacity and resourcing have been key deficits and continue to require a focus.

13. What actions can we take to accelerate the focus on economically and commercially viable low carbon local energy solutions in an inclusive way?

Support for audits of local communities, their resources and demands, in combination with grid assessment with DNO/DSO. Access to training for local construction sector businesses, support for local businesses to assess potential grid balancing demands, partnerships with utility companies to provide financial support for community/locality energy mentors/facilitators.

Opportunity

14. How can we ensure that Scotland capitalises on the economic opportunities from the development of local energy systems?

This is a rather general question which we suggest has been addressed in most of the other questions.

15. Do you have any opinions on the initial focal typologies chosen?

The typologies as they stand appear to be rather broad and further definition would help alongside a spatial approach to identifying key areas and phased planning as noted in Q8.

16. How can local energy considerations become business as usual for industry?

Response ID ANON-7Z2F-RKM9-C

Submitted to **Circular Economy: Proposals for Legislation**

Submitted on **2019-12-19 10:49:59**

1. Reduce: tackling our throwaway culture

1 Do you agree in principle that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups?

Yes

2 Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups?

Yes

3 Are there any others items that these new powers for environmental charging should be applied to in the future?

Yes

If yes, please specify. :

The consultation paper outlines that the EU Single-use Plastics Directive (SUP) 2019/904 has identified proposals to target 10 single-use plastics products, as listed below:

- cutlery
- plates;
- straws;
- stirrers for beverages;
- balloon sticks;
- food and beverage containers and cups made of expanded polystyrene;
- products made from oxo degradable plastic; and
- cotton bud sticks.

Careful consideration must be given to the life cycle impact of any item prior to introducing a charge, in order to prevent any unintended consequences. This must include consideration of the alternatives and their life cycle impact.

2. Reuse: encouraging use and reuse to prevent waste

4 To strengthen monitoring, measurement and reporting of waste across all sectors, do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of:

Yes

Yes

5 Do you agree with the proposal to prioritise introduction of mandatory public reporting for businesses of:

Yes

Yes

6 Are there any other items, such as textiles and clothing, that mandatory reporting requirements on waste and surplus should be expanded to in the future?

Don't know

If yes, please specify.:

Possibly construction materials.

7 Do you have any suggestions on how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles?

Yes

If yes, please specify.:

Consideration could be given to placing a voluntary and/or legal requirement on producers/retailers to redistribute surplus stock. This could be done through an accreditation scheme or more formally through setting limits as to the amount of surplus stock that can be landfilled, treated by Waste to Energy and or sent for recycling. The limits could be based on the quantity of clothing manufactured/sold.

In the first instance, and given the increased consumer interest regarding the impact clothing has on the environment, it may be worth considering a voluntary standard or accreditation with a quality mark. This could be developed alongside the textile/clothing/retail industry and would help inform consumers that the products they are purchasing meet the agreed standard.

This may help influence both consumer and industry behaviour in a positive way without the need for a legal framework.

The reasons that clothing retailers have surplus stock is not discussed. Much clothing – ‘fast fashion’ - is too cheap at consumer level. There is a need to review the production, marketing and distribution models of clothing in this section of the fashion market to reduce demand. The supply and demand relationship must be addressed, by for example increasing the cost at point of sale alongside further increases in consumer awareness.

3. Recycle: maximising value of materials

8 Do you agree with the principle of enabling Scottish Ministers to place additional requirements on local authorities in order to increase rates and quality of household recycling?

Yes

If yes, what should these 'additional requirements' be?:

It is important to recognise that local authorities have maintained and improved the rate and quality of household recycling in the face of unprecedented financial pressures, increased service demand, increased recycling costs caused by changes in the global commodities market and a continually changing legislative and policy framework.

Given these challenges and the fact that the Scottish Government's ambitious recycling targets are not statutory, the household recycling charter is voluntary and funding from the Scottish Government to implement changes has been limited (start-up capital funding only), it is possibly not surprising that national household recycling performance has slowed in recent years.

That said, Scottish Borders Council understands that one potential route to increasing rates and quality of household recycling is to enable Scottish Ministers to place additional requirements on local authorities.

Additional requirements could include moving away from a voluntary approach to the 'Household Recycling Charter' and towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation.

Alternatives could include:

- Maintaining the status quo but providing Councils with the assurance that if they align to the voluntary charter any additional service costs would be fully funded on an ongoing basis (capital and revenue).
- Consideration of the Welsh model which includes setting statutory recycling rates, additional funding and penalties where targets are not met. Scottish Borders Council is keen to play its part in delivering the Scottish Government's ambitions for a Scottish Circular Economy. However, this will require further clarity in relation to the many ongoing policy and regulatory reviews that being progressed by the Scottish and UK Governments. It will also require additional funding, the most likely source being the packaging EPR reform. It would therefore make sense to see any future requirements and timelines align with the EPR reform and Deposit Return Scheme.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

9 Do you agree with the principle of greater consistency in household recycling collections in different local authority areas?

Yes

10 Do you consider that we should move away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation?

Yes

11 Do you consider that householders' existing obligations are sufficient?

No

12 Are there any other measures that you consider Scottish Government should take to help accelerate the rate and quality of household recycling in Scotland, taking account of experience and approaches elsewhere and existing householder behaviours?

Yes

If yes, please specify.:

Local authorities require clarity as to the short, medium and long term policy and legislative framework. This will enable them to make the service changes which will support the Scottish Governments ambitions to improve recycling performance and deliver a Circular Economy. Although the general direction of travel is clear the detail is not, which is extremely unhelpful. This is due to the number of reviews being considered at the current time both by the Scottish and UK

governments.

It is widely accepted within the industry that pay by weight has the potential to significantly impact behaviour change. It is therefore suggested this may be worth further consideration, however it is fully appreciated that this is a complex and sensitive subject.

4. Improving enforcement

13 Do you agree that Scotland should have the power to seize vehicles suspected of waste crime, similar to the rest of the UK?

Yes

14 Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles?

Yes

15 Do you agree with the introduction of a new system that stipulates that the registered keeper of a vehicle is ultimately responsible for criminal offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time)?

Yes

5. Assessing impact of bill proposals

16 Taking into account the accompanying Equality Impact Assessment (EQIA), are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above?

Please specify.:

Scottish Borders Council has not had an opportunity to review the EQIA and is therefore unable to comment.

17 Taking into account the accompanying Business and Regulatory Impact Assessment (BRIA), do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any business or sector?

Please specify.:

Scottish Borders Council has not had an opportunity to review the BRIA and is therefore unable to comment.

18 Do you think that the proposals contained in this consultation are likely to have an impact on the environment? If so, which ones and how?

Please specify.:

It would appear to Scottish Borders Council that all of the proposals have the potential to impact the environment. The impact on the environment will depend on how and when they are implemented, however it is hoped that they would be positive.

There is still limited detail on any specific measures other than to collect data and report. While this is accepted an essential element of policy development and enforcement, there are questions over how accuracy will be monitored and verified, who will be accountable if data is inaccurate or not provided where this related to a complex supply chain, and what action will be taken if this is the case?

6. Proposals for secondary legislation

19 Do you agree with the proposal that procurement strategies published by relevant public bodies should include consideration of activity which supports the circular economy and action on climate change?

Yes

20 Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p?

Yes

21 Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment?

Yes

Conclusion

22 Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

Please provide any comments.:

Scottish Borders Council is broadly supportive of the proposals presented in the consultation on the basis that:

- Further more detailed consultations are undertaken prior to the introduction of new requirements or secondary legislation.
- Where Local Authorities incur additional cost as a result of any new requirements/legislation they are financially compensated in full on an ongoing basis.
- That decisions/regulations are evidence based including full life cycle analysis, where appropriate, in order to prevent unintended environmental consequences.

Reporting – insufficient to drive behaviour change, accuracy, accountability issues are key, what remedial measures would be required. There are questions over how these proposals will really impact behaviours and business models, as well as consumer demand.

Education – the proposals fundamentally omit mention of education and awareness to drive changes in consumption patterns.

In the majority of cases the consultation document limits the respondents feedback to yes/no/not answers. This is unhelpful as it gives no opportunity for the respondent to clarify its answers on what are complex issues. As such Scottish Borders Council requests that its consultation response is read in conjunction with the following additional information:

Q1 - Scottish Borders Council is broadly supportive of introducing charges for environmentally harmful items, for example single use disposal cups, to change behaviour. However the decision to introduce charges must be supported by a full life cycle impact of the item/s and their alternatives. It is imperative that there is a strong evidence base prior to introducing a charge to prevent any unintended consequence.

It is also important that if and when the charges are implemented they are supported by a national communications campaign outlining the alternatives. The supply chain, retailers and consumers must be clearly informed of the alternatives and are confident that they are doing the right thing.

From a transparency perspective it would be helpful for the Scottish Government to confirm what will happen to the income generated from the charges. For example will it be used to support the delivery of the Scottish Governments ambitions for a Circular Economy or other environmental/climate change targets/causes?

Projected increases in the use of single-use cups are noted by the EPECOM but there appears to be little understanding of the reasons for this increase. Consumption of beverages 'on the go' must be fully understood in terms of the behavioural drivers which make the purchase of drinks seem 'essential', whether this is habituation, reliance on stimulants, cultural changes or lack of provision of 'break times' during the working day. Developing an understanding of these issues should facilitate an evidence-based and effective reduction of use of such items.

Q2 - See response to question 1.

Q4 - In principle Officers are supportive of the proposal to strengthen monitoring, measurement and reporting of waste across all sectors, including food, textiles and clothing. However the practicalities and costs of achieving this are not discussed in detail, for example producers will presumably need to separate, store, weigh, record and presumably report on targeted materials. It is therefore suggested this needs further more detailed discussion through consultation and certainly prior to secondary legislation being introduced.

Q9 - Scottish Borders Council understands and agrees with the general principle of greater consistency in household collection across different local authority areas. However, careful consideration must be given to the environmental, operational and financial implications of delivering a standardised collection service in rural areas to avoid unintended consequences.

Any future system must be not be overly prescriptive and should be flexible enough to respond to local factors. For example it may be that rural areas are provided exemptions on environmental grounds and or financial grounds.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

Q10 - The answer is dependent on the premise of the question. If the Scottish Government's aim is to deliver a more consistent collection service across Scotland then the answer is more than likely 'yes'. However it is not the only way that this aim can be achieved as outlined in our response to question 8 and 9. For the purposes of clarity, Scottish Borders Council would only support a mandated approach where the Scottish Government fully funds any service changes that are required to achieve Scotland's Household Recycling Charter and that they communicate the service changes at a national and local level.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

Q11 - Scottish Borders Council works closely with householders to provide education and support to ensure the materials we collect are placed in the right bins. However, analysis indicates that approximately 70% of the waste presented in the general waste bin could have been recycled.

To address this we have recently developed and delivered a communications campaign called 'millions of reasons to recycle' to further promote the need to recycle and provide advice and guidance regarding what goes in what bin.

The reality is that local authorities have very few powers to require householders to recycle. In our case we provide guidance, contamination hangers, visits and letters. In certain situations, this is more than adequate to resolve to the situation. However in more problematic cases it is not. This is particularly problematic where communal bins are provided. It is on this basis that Scottish Borders Council believes that householders existing obligations to recycle are insufficient and requires review.

However, that is only part of the problem.

Manufacturers and retailers currently pass the responsibility to recycle onto consumers and local authorities for managing their waste. They provide little guidance

or consideration for the environmental or financial costs. In many cases householders want to do the right thing but are just confused. It is hoped that the Deposit Return Scheme and the packing EPR reform will assist in addressing some of these issues including reducing the amount of packaging waste generated in the first instance.

It is proposed that there is a national discussion regarding the responsibility of householders to recycle, which considers the wider responsibilities of manufacturers, retailers and local/national government.

Q13 - Scottish Border Council is supportive of the proposal that Scotland should have the power seize vehicles suspected of waste crime, similar to the rest of the UK.

Q14 - Scottish Border Council is supportive of the proposal that Scottish Ministers should have the powers to introduce a new fixed penalty regime for littering from vehicles, bringing Scotland into line with England and Wales.

Q19 - Scottish Borders Council understands that public bodies have huge buying power and are therefore well placed to influence the market in relation to the circular economy and climate change. It is for this reason that Scottish Borders is in principle supportive of the proposal. However it is important to recognise that local authorities already have a large number activities that require consideration when developing procurement strategies. It is recommended that further more detailed discussion is required with local authorities prior to implementation in relation to the skills gap, resource, funding and ultimately their ability to take on additional activities.

Q20 - Scottish Borders Council is supportive of increasing the minimum charge on single-use carrier bags in order to keep pace with inflation. However there is also a need to consider the impact that alternatives (i.e. re-useable bags) are having on the environment. This links back to our previous comments in Section 1 where we have suggested that full life cycle analysis is required not only on targeted items but the alternatives to avoid unintended consequences. We would also suggest that the price increase coincides with a national communications campaign to ensure manufacturers, retailers and consumers understand what the alternatives are so that they make the right choices.

About you

What is your name?

Name:

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Scottish Borders Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

The amount of time to complete the response was extremely short for such a complex area particularly given Local Authority Committee processes.

In many cases the questions were leading and only provided the opportunity to give yes/no/not sure answers. Although it is appreciated there was an opportunity to provide additional information it means it is not being read in context with the question. We can only imagine that answers will be reviewed based on yes/no/not sure responses which will skew the figures as the additional information is not going to be given the same weighting. For example Scottish Borders has supported a number of proposals but these are caveated within the written response.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

Citizen Space is generally a fantastic tool.

However the way the consultation has been developed has made using Citizen Space clunky.