

Department for Environment, Food and Rural Affairs
Consultation on the draft Climate Change Bill
Response proforma

Please use this proforma to answer the questions in the above document. The closing date for the submission of responses is **12 June 2007**.

Responses should be clearly marked in the subject field "**Consultation on draft Climate Change Bill**", and should be sent:

- by email to: climatechangeconsultation@defra.gsi.gov.uk
- or by post to: Patrick Erwin / James Hardy, Climate Change Legislation Team, Area 4/F5, Ashdown House, 123 Victoria Street, London SW1E 6DE

The email address may also be used for general queries relating to this consultation. Please mark the subject field **Consultation on the draft Climate Change Bill**.

To help us analyse responses, please provide details of yourself or your organisation (* if appropriate) below.

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses.

If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

Defra's confidentiality statement in full can be found at www.defra.gov.uk/corporate/consult/climatechange-bill/letter.htm

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Organisation Type	Please mark/give details as appropriate
Non Governmental Organisation (NGO)	<input checked="" type="checkbox"/>
Public sector (e.g. local / central government, hospitals, universities) (please give details)	<input type="checkbox"/>
Retail sector (e.g. supermarkets) (please give details)	<input type="checkbox"/>
Service sector (e.g. cinemas, hotel chains, banks) (please give details)	<input type="checkbox"/>
Energy supply industry	<input type="checkbox"/>
Heavy Industry / manufacturing	<input type="checkbox"/>
Property management	<input type="checkbox"/>
Trader / verifier	<input type="checkbox"/>
Academic / research	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>
Other (please give details)	<input type="checkbox"/>

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer. Any other comments can be recorded in the box at the end of this form. All boxes may be expanded as required.

Targets and Budgets
Setting statutory targets
1. Is the Government right to set unilaterally a long-term legal target for reducing CO ₂ emissions through domestic and international action by 60% by 2050 and a further interim legal target for 2020 of 26-32%?

The Institution believes that setting targets for reductions in emissions of CO₂ for ALL sectors of the economy (including for instance, aviation and shipping), and endorses the view that these will need to be challenging. 60% is a good starting point for carbon dioxide reductions, but we would recommend that the framework suggested in the Global Commons Institute's Contraction and Convergence be used as the basis for further negotiation, since a higher level of reduction may well be required. The Institution strongly believes that we must be prepared to alter targets in the light of future scientific evidence or developments in international policy.

Moreover, it is important that the international contexts for change are reflected in negotiations. Many developing countries have greater challenges than faced by the UK, in securing an equitable settlement, whereas other developed countries are intending to achieve greater reductions than the UK, in the same time frame. The Institution believes that the early changes in response to these targets may principally be technological, whilst the later adjustments will require significant and more fundamental changes in public and institutional behaviour.

It is unclear why the intermediate target, which is to be welcomed, is set as a range of percentages; in practice this will be interpreted as the lower and less challenging figure. It is also unclear who will be legally responsible, and what the penalties would be, for failure to reach the targets. .

2. Is the Government right to keep under review the question of moving to a broader system of greenhouse gas targets and budgets, and to maintain the focus at this stage on CO₂?

The Institution believes that the focus on CO₂ is helpful in the initial stages, but that the UK might seek to move to international agreement on a range of greenhouse gases in due course, as these are also of significance. Using the single indicator is helpful for businesses and in terms of public perceptions, where understanding may as yet be poorly developed.

The Bill must allow for the future introduction of targets for additional greenhouse gases.

Carbon budgeting

3. Should the UK move to a system of carbon management based upon statutory five-year carbon budgets set in secondary legislation?

The commitment to long term change is admirable. Given the time horizons for industrial planning, the Institution believes that three and possibly four time periods should be a minimum to allow for proper levels of forward planning and investment. It is necessary to ensure that all targets are underpinned with sound science, and revisited periodically.

4. Do you agree there should be at least three budget periods in statute at any one time?

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Reviewing targets and budgets

5. Do you agree there should be a power to review targets through secondary legislation, to ensure there is sufficient flexibility in the system?

The Institution believes that the draft Bill represents a satisfactory balance in flexibility between addressing the causes of climate change and mitigating the adverse effects on the economy and on vulnerable groups such as those experiencing fuel poverty.

6. Are there any factors in addition to, or instead of, those already set out that should enable a review of targets and budgets?

None recognised by the Institution..

Counting overseas credits towards the budgets and targets

7. Do you agree that, in line with the analysis in the Stern Review and with the operation of the Kyoto Protocol and EU ETS, effort purchased by the UK from other countries should be eligible in contributing towards UK emissions reductions, within the limits set under international law?

The Institution supports the general principles of the Stern Report as an effective way of allowing reductions to be achieved at minimal cost. However, there is a need for i) ensuring that the UK actually reduces its own emissions and migrates to a low carbon economy, rather than buying the power to continue emitting, ii) that disadvantageous effects of investing in mitigation overseas does not result in adverse social justice impacts in those areas, and iii) effective, transparent and independent auditing of the emissions and targets must ensure that actual reductions are secured. The current record on this latter issue is fragile, and needs addressing urgently..

Banking

8. Do you agree it should be permissible to carry over any surplus in the budget? Are there any specific circumstances where you consider this provision should be withdrawn?

The Institution recognises that it may be valuable to carry over a small surplus from one budget period to the next, but would be anxious if this figure exceeded approximately 5% of the target. Larger surplus carry over would not encourage a focus on increased levels of reduction, would encourage complacency, and would delay the overall response. The extent of the carry over should be determined by the Committee.

Borrowing

9. Do you agree that limited borrowing between budget periods should be allowed?

Borrowing between budget periods should be very limited, perhaps to a figure of around 1%, to be determined by the Committee in the light of scientific evidence.

Compliance with carbon budgets and targets

10. Is it right that the Government should have a legal duty to stay within the limits of its carbon budgets?

Such a legal duty will ensure that there is a continuing interest and pressure, and is to be encouraged.

The Committee on Climate Change

The need for an independent analytical organisation

11. Do you agree that establishing an independent body will improve the institutional framework for managing carbon in the economy?

An independent body comprising recognised technical experts will be an important part of the managerial system, and should be able to operate in relation to scientific principles without political intervention. The Institution proposes that the status of Chartered Environmentalist provides one appropriate qualification for consideration in making such appointments.

Functions of the Committee on Climate Change

12. Do you agree that the Committee on Climate Change should have an advisory function regarding the pathway to 2050?

Yes

13. Do you agree with the proposal that the Committee on Climate Change should have a strongly analytical role?

Yes

Factors for the Committee on Climate Change to consider

14. Are these the right factors for the Committee on Climate Change to take into account in assessing the emissions reduction pathway? Do you consider there are further factors that the Committee should take into account?

Yes

Membership and composition

15. Do you agree the Committee on Climate Change should be comprised of technical experts rather than representatives of stakeholder groups?

The Institution believes that Members should be recruited on the basis of specialist expertise, rather than affiliation to specific stakeholder groups. Whilst social science and community development expertise is important, the representation of independent scientific evidence should remain paramount.

16. Are these the appropriate areas of expertise which should be considered? Do you consider there are further areas that should be considered or any areas that are less important?

Yes, although the inclusion of expertise in change management may be helpful.

Enabling powers

Extending the suite of domestic trading schemes

17. Do you agree with the principle of taking enabling powers to introduce new trading schemes?

Yes

Benefits and structure of enabling powers

18. Do you consider that these powers are sufficient to introduce effective new policies via secondary legislation? If not, what changes would you make?

The Institution has no view on this matter.

Reporting

The need for regular, independent monitoring of the UK's progress

19. Do you agree that the Committee on Climate Change should be responsible for an independent annual report on the UK's progress towards its targets which would incorporate reporting on a completed budget period every five years?

The transparency of reporting is crucial as a means of securing wide participation and action, and this should occur both annually and every five years.

Adaptation

20. Is statutory reporting the best way to drive forward progress on adaptation while at the same time ensuring Government is able to develop flexible and appropriate measures reflecting developments in key policy areas?

The Institution believes that reporting on adaptation as well as progress towards reducing CO2 and other greenhouse gas targets, is important. Such adaptation affects many stakeholder groups and is the responsibility of many government departments. Statutory reporting on these key areas would be helpful.

Other responses or comments

(Please use the following space for any other responses or comments)

The Institution believes that Local Authorities have an important role in the management of greenhouse gases, alongside their responsibilities in relation to other toxic airborne emissions. The experience they may bring to bear on this topic, through their experience of implementing local air quality management (LAQM) plans, is considerable. The Institute of Air Quality Management, a constituent part of the Institution of Environmental Sciences, has particular expertise in this area and is responding separately on this theme.