

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.qsi.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) <i>(please give details)</i> | <input type="checkbox"/> | |
| Retail sector (e.g. supermarkets) <i>(please give details)</i> | <input type="checkbox"/> | |
| Service sector (e.g. cinemas, hotel chains, banks) <i>(please give details)</i> | <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 type="checkbox"/> | |
| Individual | <input type="checkbox"/> | |
| Other <i>(please give details)</i> | <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%? |
| <p>Various scientific reports indicate that carbon dioxide emissions need to be reduced to avoid raising global temperatures to dangerous levels. The Government is justified in taking action to reduce emissions. It is not clear though why a range target is proposed for 2020; a mid-term target would be easier understood if expressed as a minimum rather than a range.</p> <p>The Government is urged to not forget the impacts of aviation and shipping, and work toward including these sectors in targets as soon as possible.</p> | |

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?

As before, scientific evidence would indicate that this would be a prudent course to follow in the short term. However, international commitments include the whole basket of greenhouse gases, and the government will need to include them in a broader system of monitoring and action. Climate change mitigation should be focussed on efficacy of actions, and if even small reductions in non carbon emissions can produce significant benefits, these should also be incorporated.

Carbon budgeting

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

Some method of tackling carbon emissions is required, and the method proposed appears flexible enough to cope with unforeseen eventualities. Such a policy would focus attention on the issue and give recognition to the importance attached to it. Five years is a suitable budgeting length as it is not synchronous with the parliamentary cycle, and thus removes it from short-term political expediency. In addition, we are of the opinion that there will be a requirement for some form of year-on-year monitoring of attempts to reduce carbon emissions, otherwise there could be the danger of "hitting the buffers" at Year 5, notwithstanding the proposed borrowing mechanism.

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

We have no firm view on this, but 3 budget periods seems reasonable for business investment decisions.

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?

It would be prudent to build in flexibility to review the targets as and when new information on climate change or technological advances become available. However, any secondary legislation to come forward must be subject to full parliamentary scrutiny and debate. We would point out that failure to meet the budget should not be a reason to revise targets.

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

We have no opinion on this.

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?

We have no opinion on this.

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?

We have no view on this.

Borrowing

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

Our only comment on this is that it would need to be a genuinely unforeseen event that triggered any borrowing, otherwise there is the danger of running at a constant deficit through policy failure. Climate change mitigation should be focussed on actual realised emission reductions. Borrowing ahead is an insecure way to assure emission reductions.

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?

If so then what would the sanctions be as an outcome of Judicial Review for failure to comply with statutory targets? This was not made clear in the Consultation Document.

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?

We agree that analysis should be clear, transparent and independent of Government so that it is seen as objective and free from political interference.

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, but with the proviso that we believe that there is a requirement for any Committee to have a national Forum which includes all stakeholders, so that a balanced debate occurs.

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

Yes, and that assessment of evidence from a range of sources will be essential to provide an independent analysis of the situation.
There needs to be a broad environmental assessment as well as economic accounting of carbon emission reductions.

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?

A fairly extensive list but with one glaring exception - the consequences for the natural environment and landscapes of pursuing any particular path have not been factored in. This is a serious omission, given the Government's commitment to Sustainable Development principles. Economic and social factors are mentioned, but the third leg of the sustainable stool, the environment, needs to be in place.

This is required in order to avoid any further damage to the environment already at risk from unpredictable climate change, through pursuing technological solutions that may have serious adverse impacts once installed, or through widespread over-reliance on any one particular technological solution.

Examples of this include an over-reliance on wind power, with associated powerlines, without clear protection for sensitive landscapes, habitats and species; extensive biofuel production without regard to sustainability issues; and large single solutions like tidal barrages which could have serious irreversible impacts on whole ecosystems.

Membership and composition

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

Technical experts are important to conduct the analysis, but an informed discussion with a full range of stakeholders will be essential. Any recommendations must be tested against the full range of interests and are not inadvertently the result of vested interests from sectoral representation. A stakeholders Forum could answer this need. Appointments to the Committee may be best overseen by a cross-Party Parliamentary Committee.

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?

Environmental impacts need much more consideration. This whole process is being undertaken for environmental reasons, therefore expertise in environmental science disciplines, outwith climate change science, would be essential. Energy efficiency and demand reduction measures need to feature prominently in any emissions reduction pathway.

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| 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? |
| Only if they are subject to robust parliamentary scrutiny. |
| 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 measures proposed all appear to focus on trading schemes. There are other measure available to the Government to initiate carbon emission reductions. Consideration of measures such as duties upon public bodies, Building Regulations, vehicle engine efficiency is equally important in the short to medium term. As stated above, any secondary legislation should be subject to parliamentary scrutiny. |
| 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? |
| That would seem reasonable, but we would reiterate the need for some form of annual monitoring to ensure that the whole budget period will remain on track. |
| 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? |

Statutory reporting would ensure that up-to-date information is made available for public scrutiny and debate. However, the environmental aspects of adaptation need as much scrutiny and analysis as the social and economic context. Once again the environmental aspects of climate change appear to have been left behind, with a focus on economics and social issues.

Other responses or comments

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

Care must be taken that the financial trading measures do not become an abstract mathematical exercise. They must be grounded in actual pollution reduction. In addition, methods for emission reduction pathways should be employed that effectively