

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 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 checked="" type="checkbox"/>	Religion

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 CO₂ emissions through domestic and international action by 60% by 2050 and a further interim legal target for 2020 of 26-32%?

It is unlikely that the UK will be unilateral for long. A number of other nations are watching to see how legislation against carbon dioxide emissions might be enacted and will follow suit if we can make it work. The UK has a good track record of regulating risky behaviour, for example in the area of medical research. However we do have some concerns about the appropriate use of legislation (see under 'Other responses').

The need for a strategic and deliverable reduction in greenhouse gas emission to mitigate the worst effects of global warming is unquestionable. Since the UK economy and the lifestyles enjoyed by most of its citizens depend on the ready availability of cheap, carbon dioxide-emitting energy, the transition to a low carbon economy has to be achieved over time.

However, the target set, of a 60% reduction by 2050 (admittedly one that the Church of England has itself adopted) is already out of date according to the latest scientific analyses. The Royal Commission on Environmental Pollution's report of 2000 argued that this target, which would keep emissions in the region of 550 ppmv, would ensure global temperatures would not rise beyond 2 degrees Celsius. The much more recent reports of IPCC, and analysis by the Tyndall and Hadley Centres, argue that this target has a more than 50% chance of bringing about a 4 degree or higher rise in temperature. This would be catastrophic for human survival, particularly in the poorest nations of the world.

The omission of aviation and shipping emissions from the targetted reductions, on the grounds of needing to be part of international agreements rather than a unilateral arrangement, is understandable, even if it does make something of a mockery of the targets set. According to calculations by Friends of the Earth and the Tyndall Centre, shipping and aviation could account for as much as 10% of UK emissions. It makes the need for international agreements all the more pressing, and demonstrates that unilateral action, while highly desirable, will not in the end be enough.

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?

Yes, providing sight is not lost of the effects of other 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?

Five year budgets fit neither international patterns of negotiation nor UK parliamentary changes. They will enable successive governments to pass bucks or burdens back and forth, since each five-year period will fall within a new parliamentary session. It would be better to have annual targets with sufficient flexibility for carrying over savings or losses.

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

If this is enough to enable the goal of sufficient reduction of emissions in good time.

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?

Yes, within strict limits. See our comments under 'Other responses'.

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

Legislation needs to be part of a more comprehensive educational approach.

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?

Yes under certain conditions. For non Annex 1 countries where there is no obligation under Kyoto to reduce carbon dioxide emissions, purchase of carbon credits is meaningless as it could not be guaranteed to lead to overall reduction in emissions. Purchase of carbon credits from industrially developed countries within the Kyoto agreement would be meaningful because they have an obligation to reduce their own emissions.

It would be good to purchase carbon credits from developing countries to contribute to their development needs, but only after our own targets have been met. It should be noted that Clean Development Mechanisms are not as yet reaching the communities that most need them. According to George Edgar, of the 645 registered CDM projects, as of early May 2007, only 16 are in Africa, and of those, 7 are in South Africa and 7 north of the Sahara ('Africa and the challenge of climate security', talk given at Chatham House 23 May, 2007).

The Climate Change Committee could act as a regulator in this international market, ensuring that carbon credits purchased from abroad will contribute to reduced emissions overall.

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?

Yes, and even better if the surplus could be built upon. For global warming to be mitigated, bigger reductions made soon in the 40 year period are desirable as they reduce the overall cumulative effect of carbon dioxide emissions.

Borrowing

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

Yes if restricted to exceptional or unforeseeable circumstances.

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?

Yes.

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?

Yes.

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. Parliament should make the decisions on implementation taking the Committee's advice into account.

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?

In addition to the factors listed, there should be consideration of:

- fuel security;
- all measurable impacts of climate change on ecosystem services as defined by the UN's Millennium Ecosystem Assessment (the planetary goods needful for human existence)
- a more explicitly international perspective in relation to the poorer, hardest hit nations of the world, and in relation to the need for international agreements;
- education and communication to persuade 'hearts and minds' of the need for action.

Membership and composition

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

Yes, although 'experts' should include lay people who can ask intelligent consumer-led questions and will help the Committee communicate its work to politicians, the media and the public.

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?

See answers to questions 14 and 15.

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 within strict limits. Flexibility is essential as scientific and technical knowledge develops, and some schemes are shown to work whilst others are not. Questions over the real cost of biofuels are an example of this.

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?

We have concerns about relying too heavily on secondary legislation (see our comments under 'Other responses').

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?

Yes, though see above Question 3 on the problem with the five year period.

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?

Yes, if it provides incentives for harnessing the considerable research and development skills in the UK for the immense business and other opportunities to discover ways of adapting.

It is also essential that consideration is given to assisting poorer countries where the capacity to adapt will be much less than that of the UK, and where the impact of climate change will be that much greater.

Other responses or comments

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

Climate change can be faced positively: there are numerous opportunities the situation presents, and our response need not be one of gloomy martyrdom. Developing a thriving low-carbon economy is the challenge of our time.

If the UK can show the rest of the world an effective way of legislating against actions which we know will harm the planet, and in so doing have motivated good behaviour, it will have done the human family a very great service of leadership. Although it is essential to continue to push hard for international agreement, a Christian perspective calls us to start at home, with the 'beam' in our own eye, not the 'mote' in our neighbour's. The Church of England believes it is first of all a spiritual duty (arising from our deep reverence for the planet God has created), then a moral duty (arising from our concern for the poorest and most vulnerable in the human family), and finally a prudential duty (every one of us will be affected by global warming), to do what we can to reduce our harmful impact on the planet as judiciously and precipitately as we can. We believe it is possible to do so with passion and flair, if we act now, while our society is not yet stressed from the effects of global warming.

We do, however, have a general concern about the appropriate use of legislation. We accept that the challenge of climate change is very great and that legislation, primary and secondary, is likely to have an important part to play. Mere persuasion and voluntarism are unlikely to measure up to the scale of the challenge. But we attach importance to avoiding the debasement of the legislative currency or changing the traditional boundaries between what it is proper to secure by primary and what by secondary legislation.

It is particularly important that legislation should be clear and focused. Simply translating policy aspirations into legislation or creating imprecise general duties which leave people uncertain over the effect of the law would not be wise.

It is entirely reasonable the primary legislation should provide for more detailed provisions to be made by orders or regulations. We would also accept that some limited power to amend the main provisions of primary legislation by secondary legislation might be justified given the scale and uncertainty of the problem. But there has been a tendency in recent years to give Governments power to amend primary legislation without the full processes of Parliamentary scrutiny and the Church continues to view this trend with much anxiety. It is particularly unclear why it should be necessary when there is, regrettably, far more guillotining of legislation than was once the case. For reasons of good governance, therefore, we would expect any enabling powers to be limited and tightly drawn.

We would encourage Government to work in two directions: to persuade economic and social actors worldwide of the paramount need to change their behaviour; and to persuade Governments in the UK, the EU, the G8 and beyond to use their other powers and influence (particularly but not only taxation) to encourage economic and social actors to modify their behaviour. Good behaviour should be encouraged and bad behaviour penalised, with 'good' and 'bad' defined as we update our knowledge and understanding of what works to reduce emissions and what other contributors there are to global warming.

