

Summary: Effects of Recent Legislation on Climate SE and Adaptation Activity

1 The Climate Change Act

1.1 Summary

The Climate Change Act enhances the UK's ability to adapt to the impact of climate change and establishes that:

- a UK wide climate change risk assessment must take place every five years;
- a national adaptation programme must be put in place and reviewed every five years to address the most pressing climate change risks to England;
- the Government has the power to require public authorities and statutory undertakers (companies like water and energy utilities) to report on how they have assessed the risks of climate change to their work, and what they are doing to address these risks ;
- the Government is required to publish a strategy outlining how this new power will be used, and identifying the priority organisations that will be covered by it;
- the Government will provide statutory guidance on how to undertake a climate risk assessment and draw up an adaptation action plan; and
- the creation of an Adaptation Sub-Committee of the independent Committee on Climate Change in order to oversee progress on the Adapting to Climate Change Programme and advise on the risk assessment.

1.2 Statutory Guidance

The Climate Change Act gives the Government the power to produce statutory guidance on adaptation. This guidance will set out the processes that organisations need to go through to assess the risks from climate change and draw up adaptation plans.

While it is aimed primarily at public sector organisations we hope that the guidance will also be useful for all organisations in the private sector.

The statutory guidance will build on and give greater prominence to existing useful material prepared by the UK Climate Impacts Programme.

The guidance is likely to include:

- background on adaptation to climate change and national policy on adaptation
- general sources of advice and information, for example from the UK Climate Impact Programme, and the Environment Agency etc.

- information on assessing risks and vulnerabilities, and developing possible adaptation responses, and evaluating progress
- details about the expected scope of the report
- the principles of sustainable development, and the need to take into account risks and opportunities from climate change for the natural environment and social and economic well being
- advice on how to integrate adapting to climate change into mainstream activities and existing performance frameworks (eg local government Indicators)
- guidance on working with others to develop risk assessments and adaptation plans
- technical process and timetable for reporting.

Government will consult on draft guidance in summer 2009.

2 Committee on Climate Change

The CCC is an independent body established under the Climate Change Act to advise the Government on setting budgets and to report to Parliament on the progress made in reducing budgets

2.1 Adaptation Sub-Committee (ASC)

The Climate Change Act introduces a new independent Climate Change Committee (CCC) to provide expert advice and scrutiny on the Government's climate change work. It also introduces a new Adaptation Sub-Committee of the CCC.

The role of the Adaptation Sub-Committee will be to provide advice, analysis, information and other assistance in relation to:

- requests from the national authorities (of England, Wales, Scotland and Northern Ireland) for advice on adaptation
- the preparation of the UK Climate Change Risk Assessment including methodology and conclusions
- implementation of Her Majesty's Government's adaptation programme (for England and reserved matters).

Members of the Adaptation Sub-Committee (ASC)

Members will be appointed by the National Authorities and the Chair of the ASC in line with standard good practice in public appointments.

Members will be experts in their chosen field and able to provide specific technical advice, based on an understanding of the wider context within which the issue of adaptation sits (i.e. the work of Government generally and current affairs). These experts may be academics or practitioners or a mixture of both.

The Chair, but not the other members, of the ASC will be a member of the Climate Change Committee.

We expect to establish the Adaptation Sub-Committee in 2009

2.2 Summary of Report: Building a Low-Carbon Economy

Economic costs – In line with Stern will be achieved in the order of 1-2% of GDP.-

3 Adaptation Reporting Power

What is the adaptation reporting power and what is its purpose?

Under the reporting power, reporting authorities - public sector organisations and statutory undertakers such as the utility companies - can be directed to produce a report on how their organisation is assessing and acting on the risks and opportunities from a changing climate.

The reports will be published and Government can request further information if the report is considered to be inadequate.

Not every organisation will be required to report, so when an organisation is asked to report, it will put the spotlight on them in the same way that inspections currently do.

We anticipate that the power itself will become a driver for action, just as the risk of inspection currently is. This in turn should result in an improvement in performance on adapting to climate change across the public sector.

Any organisation which has produced a report will then have a duty to have regard to that report in its ongoing operations - so the reports themselves will also act as a further driver for adaptation.

What organisations will be covered by the power?

A request for a report could be issued to a public body or statutory undertaker (such as water or energy supplier) (referred to in the Act as "reporting authorities").

The Government can ask for a group of organisations to report, for example to cover a specific location, or particular sector to report together.

How will the Government decide when to use the power?

Any decision by the Secretary of State to require a report is likely to be based on how important that organisation is to the country's ability to adapt, whether the organisation is already reporting on adaptation, and on the level of progress being made on adaptation by that reporting authority.

The Government will set out its strategy for the likely use of the power, and identify which organisations are considered priorities for the use of the power.

This strategy will be informed by an assessment of existing regulatory and performance frameworks, to see whether they provide enough information on whether organisations are adapting and whether they offer enough of a driver to encourage organisations to act. Where these frameworks are not sufficient, there may be a case for using the reporting power.

The strategy for the use of the power will be presented to Parliament within a year of Royal Assent (by 26th November 2009), three years after that and then at five year intervals.

The Act requires that any organisation likely to be named in the strategy must be consulted before the strategy is published. There will be a consultation on the strategy in 2009.

(Source: [Defra](#))