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Climate Change (Emissions Reduction Targets) (Scotland) Bill

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Climate Change (Emissions Reduction Targets) (Scotland) Bill

In April, the Scottish Government accepted the Climate Change Committee's view that it was not credible to achieve the pace and scale of action needed to meet the statutory emissions reduction target for 2030. The Climate Change (Emissions Reduction Targets) (Scotland) Bill now seeks to establish a new framework for climate change targets and plans, removing the 2030 and 2040 interim targets whilst maintaining the commitment to reach Net Zero by 2045.

The original targets in the Climate Change (Scotland) Act 2009 were amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which set the overall target of achieving Net Zero by 2045 and revised the interim targets in a way that was always recognised as ambitious but has proved not to be achievable. The 2009 Act also established a scheme of annual targets and again the position has been disappointing, with the target missed in 9 of the last 13 years. At the same time there have been delays in producing the required new Climate Change Plan which will set out the policies and actions which will enable the targets to be met.

The Bill has limited scope and does three things. Firstly, it replaces the interim and annual targets with a system of five-year carbon budgets which will have to be met; these budgets state the maximum level of net emissions over the period. Such five-year budgets are used in the UK, Welsh and Northern Ireland climate legislation and are widely accepted as being more appropriate than annual targets since they dampen the fluctuations caused by short-term factors such as a particularly cold or mild winter. There will still be annual reports on progress, but the obligation on Ministers will be to ensure that the five-year budgets are met.

Secondly, it provides for these carbon budgets to be set by secondary legislation. The current targets are set in the 2009 Act (as amended) but the move to using regulations to do this allows for more flexibility, including taking account of advice from the Climate Change Committee. This, though, has consequences for timing and scrutiny (discussed below).

Thirdly, the Bill changes the schedule for the production of the next Climate Change Plan. The Government had stated its intention to present this last year and under the 2019 Act there is a statutory requirement for the formal process to begin in November this year. The impossibility of producing a plan that would meet the 2030 target has disrupted progress and now it is proposed that the Plan will be produced "as soon as practicable" after the first budget has been set.

The need to avoid breaching the legal obligation to produce the new Plan by November lies behind the fact that this Bill is being rushed through Parliament (a position exacerbated by the hiatus caused by the UK General Election), with concerns over the adequacy of the scrutiny that can be offered and the limited opportunity to address wider issues about planning, reporting and accountability. Timing is also a crucial question in relation to when the first budget will be set and the new Plan produced. There is a chicken-and-egg situation here. How can Parliament approve a budget without a Plan that shows what meeting the proposed budget will entail, but how can a Plan be produced without having the final budget target settled? Clearly the answer must lie in the production of draft or provisional documents, but discussions on the Bill have included the desirability of a fixed long-stop schedule to avoid prolonged delay.

The balance between moving ahead with the speed demanded by the climate emergency, especially after some years of slow progress, and ensuring adequate scrutiny also affects the way in which the new budget regulations are to be made. The Government favours regulations made by the standard affirmative procedure in Parliament, but it has been suggested that despite the delay involved the

super-affirmative procedure at Holyrood be adopted, providing a longer period for scrutinising the proposed regulations, especially since these may well set budgets for the first three periods.

A further point to consider is the choice of budget periods. One option is to align these with the UK budgets, enabling greater coordination of budgeting, policies and reviews, especially because of the significance of policies and actions within areas reserved to the UK Government for achieving results. This would require an initial shortened period until 2027 before the first full five-year budget from 2028-32. The Government's preferred option is to start with a budget for 2026-2030, fully operating the new budgeting scheme from as early as possible after all the pieces have been put in place during 2025.

The Bill's focus is on the fairly technical topic of the budgeting and planning framework, but experience in Scotland and the rest of the UK has been that the real issues lie elsewhere. It is widely accepted that in the past targets have been adopted without adequate information on, or consideration of, the steps that will be necessary in order to achieve them, the financial implications of these and where the burdens will fall across government and society. Similarly, in the absence of detailed quantified expectations of which each policy in the Plan will deliver, it has not been clear whether or how the Plan will ensure that the target is met and reporting has been likewise handicapped.

It will be next year before any new climate budgets or Plan emerge and that is when the real effort will be required. Getting this Bill right, and consequently the framework for the production and review of the budgets and Plan, is important. But much more important will be what happens when the substantive proposals become available. If we are to avoid a repeat of the missed targets of the past, these must be subject to thorough scrutiny to ensure that they do indeed put us on a credible path to achieve the chosen objective of reaching Net Zero by 2045 and that there is in place the financial and public support necessary to ensure that they can be delivered.

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