



## Stop Climate Chaos Scotland briefing in advance of stage 3 of the Climate Change (Emissions Reduction Targets) (Scotland) Bill

November 2024

### Summary

[Stop Climate Chaos Scotland](#) (SCCS) has shared views on the Climate Change (Emission Reduction Targets) (Scotland) Bill via our [submission to the pre-legislative scrutiny](#) by the Net Zero, Energy and Transport Committee, and in our [briefing for the stage 1 debate](#). We have also commented on the climate action needed to help to ensure Scotland meets its emissions reduction targets and regains some leadership on action to address climate change, champion climate justice, and deliver co-benefits for health, wellbeing, jobs and tackling inequality in our [proposals for the Programme for Government 2024/25](#).

This briefing sets out the coalition's views on the Bill and wider context, and suggests issues or questions that might be raised in the general stage 3 debate. Its annex reflects on the [amendments agreed at stage 2](#), and those proposed at stage 3. In particular, it provides comments on stage 3 amendments related to matters we have previously addressed; and indicates that SCCS:

- welcomes amendment 1 ((in the name of Monica Lennon)
- strongly supports amendment 4 (in the name of Mark Ruskell)
- supports amendment 7 (in the name of Gillian Martin)
- supports amendment 8 (in the name of Mark Ruskell)

### Context

From devastating droughts to catastrophic floods, the impact of the spiralling climate crisis could not be clearer, and those with the least responsibility for causing rising global temperatures are facing the most severe - and deadly - consequences.

Scotland has been a global climate leader. When our 2009 Climate Change Act first set targets for emissions' reductions, they were "world-leading" – and this was sustained by the 2019 Act's amendments, which set rightly ambitious targets, based on our historic responsibility, the science, and public mandate. However, on 18 April 2024, [the Cabinet Secretary responded](#) to the Climate Change Committee's latest advice, announcing a proposal to revise the targets framework and seeking to reinvigorate action. Our [analysis of the measures](#) announced indicates that they lack ambition and much additional effort is needed to get anywhere near to delivering the emission reductions needed.

Then, on 18 June 2024, [official statistics for emissions in 2022](#) revealed that the annual target for reductions was missed again – meaning that **Scotland has now missed its targets in nine of the past thirteen years**. On the following day, the [Cabinet Secretary's statement](#) confirmed that the Government's "legislative proposals on a new emissions reduction framework will include establishing five-yearly carbon budgets"; and that "the bill is introduced as soon as possible after recess". The statement also listed a number of welcome achievements, contributing to the 50% reduction in emissions since 1990, and reiterated the commitment to achieve Net Zero by 2045. However, it was disappointingly light on new proposals for meaningful action to ensure that emissions reductions get back on track and that the future budgets and 2045 target can be achieved.

The circumstances giving rise to the need for this legislation are deeply unfortunate. We note that [the NZET Committee appear to agree](#) stating that "it is deeply regrettable that the catalyst for the Bill's introduction was recognition that a key statutory milestone on the journey to net zero was no longer achievable". As SCCS and many others would argue, this situation has arisen due to inadequate delivery by the Scottish Government and others. The latest [CCC Report to Parliament on Progress in Reducing Emissions in Scotland](#) sets out the current situation very well and highlights that:

- **Current overall policies and plans in Scotland fall far short of what is needed to achieve the legal targets under the Scottish Climate Change Act.** The CCC identifies risks in all devolved policy areas - transport, buildings, agriculture, land use and waste. The



CCC did, however, welcome policy actions and proposals related to heating but sought a clearer timeline for the Heat in Buildings Bill.

- **The Scottish Government has delayed its draft Climate Change Plan.** A draft CCP was, previously, expected in November 2023 but has been delayed. Scotland is therefore lacking a comprehensive strategy that outlines the actions and policies required to achieve the 2030 target.
- **Most key indicators of delivery progress are off track**, with tree planting and peatland restoration rates, heat pump installations and community energy, electric van sales and recycling rates significantly so.

This lack of action/delivery (and the need to reverse this trend) is particularly important, given [the CCC's recent recommendation](#) that the UK's Nationally Determined Contribution commits to reduce territorial greenhouse gas emissions by 81% from 1990 to 2035. This gives an indication of the likely magnitude of the CCC's advice regarding Scottish carbon budgets for 2026-30 and 2031-35. Delivering these likely budgets will require decisive action both in the remainder of this decade and in the early 2030s. This underlines the importance of the questions about the next CCP and the other immediate actions discussed below.

### **SCCS views on the switch to carbon budgets**

Based on the context above, it is important therefore, that the Scottish Government acknowledges why "**we are where we are**". While the previous UK Government's changes to policy and the overall fiscal challenges are undoubtedly a part of this explanation, they are not the only reasons. It must therefore be fully recognised that delays to and inadequate delivery of Scottish Government policies have been a major contributory factor. For instance, following the Heat in Buildings strategy, it was three years before the consultation on proposed legislation (which, itself, is yet to be introduced). Similarly, following its announcement three years ago, the route map for a 20% reduction in car-km is yet to be published - and the current commitment is for publication "[by autumn 2024](#)".

Thus, it is vital that – as well as the measures to be addressed by this Bill - **parallel steps are taken to significantly improve delivery** in devolved areas. For instance, it is imperative that the Scottish Government proceeds, as soon as possible, with its planned Heat in Buildings Bill (as praised by the CCC). In addition, more meaningful actions are needed in the areas of transport, buildings, agriculture, land use and waste.

SCCS does not have strong views about whether a targets or budgets system should be used, as there are pros and cons to each; however, **the way that emissions are measured is meaningless without action**. In this regard, we welcome the conclusions of the NZET Committee that there is a "*need for urgency. This requires a new climate change plan, setting out credible, deliverable, detailed and costed proposals to meet the new carbon budget target, to be in place as soon as reasonably possible before the end of this parliamentary session to allow for sufficient scrutiny.*"

It is also important that the process is not subject to more or undue delay. In particular, **all efforts must be made to present the draft of the next CCP to Parliament by the summer of 2025** - otherwise, there is risk that, following Parliamentary scrutiny, there will be no time for consideration of Parliament's recommendations and subsequent amendments to the draft plan before Parliament is dissolved for the 2026 election. This happened to the last CCP update in 2020/21 and has, no doubt, contributed to targets being missed and this bill becoming necessary. It is important therefore to ensure that a re-occurrence of such a situation is avoided. In this regard, we welcome the [Acting Cabinet Secretary's indication](#), provided to the NZET Committee, during its stage 1 consideration, of the Scottish Government's intention (subject to the timing of initial CCC advice) to publish a draft CCP prior to the summer recess in 2025. We therefore welcomed and supported a number of stage 2 amendments that clarified and strengthened the timetable for budget-setting and CCP production. We are pleased to note that a number of these were agreed by the NZET Committee and now form part of the bill, as amended at stage 2.

Finally, of course, it should be remembered that we face a **climate emergency**. As such, **there is no need to wait until a new CCP in 2025/26 to take action**. The existing CCP/CCPu includes actions that have yet to be taken or measures that need further investment, and the Scottish Government announced efforts to accelerate action on 18 April 2024, when this bill was first formally proposed.



There remains a need for more and faster action both now, in the months to come, and in the new CCP, and the Scottish Parliament should challenge the Scottish Government to demonstrate that such action is being taken.

### **The current bill, as amended at stage 2**

In the light of SCCS's views expressed previously, we welcome the attention, in the stage 1 report and debate, on issues we had raised, such as the need for faster and more robust action to deliver emissions reductions. Many of these matters are beyond the scope of this (rightly) narrowly focused bill and are thus not matters that can be addressed by amendments. However, we would continue to urge members to press the Scottish Government for progress on these matters during the stage 3 debate and/or at other opportunities.

We welcome the most critical part of this bill – that **it does not amend the 2045 target date for reaching net zero and that it retains much of the emissions reduction framework established by the 2009 Act**, as amended. So, for example, it retains international aviation and shipping within Scotland's emissions reduction framework, it retains the concept of a Climate Change Plan and the annual reports related to that, as well as retaining the just transition and international climate justice principles. SCCS would oppose any proposals that might emerge to use this bill to amend any of these or other crucial aspects of the 2009 Act, as amended.

At stage 2, the NZET Committee considered a wide range of amendments, and agreed some positive changes - SCCS acknowledges and thanks the Committee for this work. The annex to this briefing reflects on the [amendments agreed at stage 2](#), and provides comments on those stage 3 amendments that relate to matters we have previously addressed.

### **Issues/questions to raise/ask in debate:**

In the light of the above, Members may wish to raise concerns or ask questions on the following matters:

- Given the importance of a clear timetable, **Members may wish to use the debate to ask the Scottish Government to confirm the indicative timetable for the budget-setting regulations and next CCP, in 2025**, as previously set out in [the Acting Cabinet Secretary's letter](#) to the NZET Committee.
- **Members may wish to use the debate to highlight that “we are where we are” due to inadequate or delayed action by both UK and Scottish Governments**, leading to the recent run of missed targets and therefore the need for this Bill.
- **Members may wish to use the debate to ask the Scottish Government to set out what steps they are taking to accelerate action**, in advance of the new CCP and in addition to the recycled package included in the s.36 report. In particular, given the importance of the key sectors where emissions reductions need to be delivered, Members might wish to ask:
  - **when the Rural Support Plan, setting out plans for agricultural reform and funding for emissions reductions in that sector, will be published?**
  - **when the expected Action Plan to reduce car-km by 20%, first promised in 2021's CCPu, will be published?**
  - **when the Heat in Buildings Bill will be introduced?**
  - **when the final Energy Strategy and Just Transition Plan will be published, and what is being done to ensure that the 2GW Community and Local Energy target is met in 2030 after the 1GW target was missed in 2020?**



## ANNEX

### SCCS briefing on key amendments tabled for consideration at stage 3

#### 1. Budget-setting and CCC advice

Our [submission](#) to the NZET Pre-legislative scrutiny suggested the Bill: “must ensure that carbon budgets are set in accordance with (or are more stretching than) the Climate Change Committee’s (CCC’s) recommended pathway to net zero by 2045.” Our [briefing for stage 1](#) included the suggestion of “setting budgets in accordance with the advice from the CCC, unless there are exceptional circumstances” and thus to amend “have regard to” to a more certain duty. Finally, of course, our [briefing for stage 2](#) supported amendments 28, 29, 30 & 32 (in the name of Monica Lennon).

SCCS has, therefore, been consistent in suggesting this approach. This is because the expert advice from CCC (based on all the target-setting criteria as well as their scientific and practical expertise) should not be lightly set aside. Thus, SCCS was delighted that the NZET Committee agreed to Monica Lennon’s amendments and that this approach is now reflected in the bill, as amended at stage 2.

The stage 3 amendment 1 (in the name of Monica Lennon), however, seeks to somewhat alter the approach suggesting that Ministers are required to “take into account the most up-to-date advice they have received from” the CCC. It does, however, retain the requirement (introduced by stage 2 amendment 32), to report whether the proposed budget is “in accordance with” the advice. This appears to be a slight ‘weakening’ of the approach agreed at stage 2, but remains a considerable improvement on that set out in the bill, as introduced.

Thus, while SCCS’ preference would be that the bill should remain in its current form (as amended at stage 2), **we welcome this amendment 1 ((in the name of Monica Lennon)**. If this is agreed, the approach in the final bill would represent an improvement on that as introduced.

#### 2. Cross-reference to former 2030 and 2040 targets

SCCS has previously noted that, to enhance scrutiny in the light of the proposed change from annual targets to 5-year carbon budgets, the next and subsequent CCPs “should have a section comparing the Scottish carbon budgets and progress towards them against the previous interim targets (2030, 2040)”.

At stage 2, Amendment 7 (in the name of Mark Ruskell) and amendments 15 & 16 (in the name of Maurice Golden) sought to provide some form of link to the current (to be previous) interim target year. These proposals were welcome, but were not agreed or not moved.

Now, at stage 3, amendment 4 (in the name of Mark Ruskell) seeks to revisit this issue, providing that the statement to be published alongside the budget-setting regulation must indicate if the proposed budget will result in emissions reaching 75% or 90% lower than baseline (that is, equivalent to the ‘former’ 2030 and 2040 targets). This proposal is very welcome, is in accordance with SCCS’ previous suggestions and will considerably improve the transparency and scrutiny of the proposed budgets by both stakeholders and the Parliament. **SCCS therefore strongly supports amendment 4 (in the name of Mark Ruskell) and would urge that it be agreed.**

#### 3. Timetable issues

SCCS has previously called for “further clarity on the timetable expected for the setting of the first carbon budgets and, thereafter, the next CCP” and for “greater clarity and certainty regarding the timetable [to be] on the face of the bill. In particular, we have suggested that “the next Climate Change Plan (CCP) [should] be produced as soon as possible after the first carbon budget has been set.

Various amendments were tabled and debated, at stage 2, to seek to make the timetable of the budget-setting and CCP production/approval clearer and firmer. SCCS welcomed and supported a number of these amendments that clarified and strengthened the timetable and were pleased to note



that a number of these were agreed by the NZET Committee and now form part of the bill, as amended at stage 2.

At stage 3, amendment 7 (in the name of Gillian Martin) seeks to clarify and confirm a timetable for the production of the first CCP, following agreement of the first budget-setting regulations. This is very welcome and SCCS therefore **supports amendment 7 (in the name of Gillian Martin) and would urge that it be agreed.**

#### **4. Consultation**

Early consultation and greater public engagement in the development, approval and implementation of climate change policy is always welcome – indeed, it should be good practice for any government. We

therefore welcomed a number of stage 2 amendments that addressed this issue, in relation to budget-setting and/or the draft of the next and subsequent CCPs. We also welcomed the exemptions for the first phase in 2025 which demonstrated pragmatism given the existing delays.

Stage 3 amendment 8 (in the name of Mark Ruskell) proposes to ensure a process of consultation, to be carried out by the Scottish Government, ahead of laying a Climate Change Plan before Parliament. As it refers specifically to section 35(1)(b) of the 2009 Act, this duty relates to “subsequent” plans and not the first, due in 2025, and thus carries forward the pragmatism mentioned above. However, it should be noted that the consultation under this amendment would be in advance of the ‘final’ CCP (section 35), and not ahead of the draft plan under section 35A. This new public consultation might therefore take place concurrently, or at least overlap, with the Parliamentary procedure under 35A.

SCCS fully supports any efforts to improve consultation and public engagement in relation to climate change policy. Therefore, while noting the need to coordinate the engagement processes (so that stakeholders are not required to respond to both a Government-led process and a Parliament process at the same time), we fully **support amendment 8 (in the name of Mark Ruskell).**

#### About Stop Climate Chaos Scotland:

- [Stop Climate Chaos Scotland](#) (SCCS) is a diverse coalition of over 70 organisations campaigning together on climate change.
- We believe that the Scottish Government should take bold action to tackle climate change, with Scotland delivering our fair share of action to limit temperature rises to 1.5 degrees and supporting climate justice around the world.
- Our coalition members range from environment, faith and development organisations to trade and student unions and community groups.
- Our work is led by our members and is normally focussed on lobbying decision makers in Scotland, but we also work on UK-wide campaigns when appropriate with our sister organisations in England (The Climate Coalition) and Wales (Stop Climate Chaos Cymru).