



Stop Climate Chaos Scotland representation to ESS

The preparation and implementation of Climate Change Plan(s)

Paper apart

3rd April 2023

Introduction

1. This paper apart sets out the background to a representation from Stop Climate Chaos Scotland (“SCCS”) to ESS on the preparation and implementation of Climate Change Plan(s).
2. The purpose of this representation is to request that ESS carry out an investigation into the effectiveness and/or implementation of the current legal regime - the Climate Change (Scotland) Act 2009¹ - specifically in relation to the effectiveness of Part 3 which relates to the Scottish Government’s Climate Change Plan(s) (CCP) intended to deliver the emission reduction targets set out within the Act. It is suggested that ESS should consider issuing an Improvement Report with specific recommendations to improve the effectiveness of, implementation of and/or compliance with Part 3 of the 2009 Act.
3. SCCS recognise that it would be inappropriate for such an investigation, at this stage, to seek to “re-do” the past CCP/CCPu process – but rather it should act as a retrospective review of that process and an identification of ‘lessons learnt’. Such an investigation and/or improvement report would be both timely and invaluable given that work is currently underway on the preparation of a new CCP – a process that will continue through 2023 and will also include Parliamentary scrutiny (and the response to that scrutiny) in late 2023 and 2024.
4. SCCS’ motivation for this request is to ensure that the current legal regime for emission reduction in Scotland, and the Scottish Government’s compliance with it, combine to ensure the targets are, at a minimum, consistently met. We consider the existence of strong climate legislation in Scotland to be a critical tool in driving sustained and deep action. However, while progress in reducing emissions is being achieved, this is falling short of the legal targets with substantial fears that future targets will also be missed. As such, it is prudent to consider whether the legal regime, and the way it is being implemented, could be further strengthened. This process of review should therefore be welcomed by all actors with an interest in ensuring faster emission reduction in Scotland, but this process should in no way be a substitute for immediate action to accelerate emissions reduction in Scotland .

¹ <https://www.legislation.gov.uk/asp/2009/12/contents>



Background to this representation

5. Stop Climate Chaos Scotland (“SCCS”) is a diverse coalition of over 60 civil society organisations in Scotland who campaign together on climate change². Our members include environment, faith and belief groups, international development organisations, trade and student unions, and community groups. We believe that the Scottish Government should take bold action, across all relevant policy areas, to tackle climate change, with Scotland delivering our fair share³ of action in response to the Paris Agreement and supporting climate justice around the world.

6. In some ways, the Scottish Government has adopted a welcome approach – the First Minister has ‘formally’ declared a climate emergency⁴, and we have clear and ambitious targets for emissions’ reductions, positive language related to a just transition as well as action to promote climate justice. However, delivery has often not matched ambitions, with three years of missed targets, followed by a year when targets were met only as a result of measures taken to address the Covid-19 pandemic. This poor record of delivery (with seven of the last 11 years’ targets missed) has led the UK Committee on Climate Change to suggest that Scotland’s legal emissions reduction targets are “in danger of becoming meaningless”⁵.

7. A step change is needed to match the reality of the climate emergency, and Scotland’s legal emission reductions targets, to both sufficient and robust sectoral action and the comprehensiveness of cross-government activity. Such a change could be delivered by improving the effectiveness of the legal regime governing climate action in Scotland and/or improving the compliance with the existing regime.

Statutory context

8. The Climate Change (Scotland) Act 2009⁶, as amended⁷, sets out Scotland’s emissions reductions targets and the various statutory processes to ensure those targets are achieved (including advisory functions, reporting and planning functions, duties on public bodies and a range of other climate change provisions). For the purpose of this representation, the key provisions are those of Part 1 (Emissions reduction targets) and Part 3 (Reporting and planning duties).

² <https://www.stopclimatechaos.scot/>

³ <https://www.equityreview.org/>

⁴ <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-48077802>

⁵ <https://www.theccc.org.uk/2022/12/07/scotlands-climate-targets-are-in-danger-of-becoming-meaningless/>

⁶ <https://www.legislation.gov.uk/asp/2009/12/contents>

⁷ Principally by the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#).



9. Part 1 of the 2009 Act, as amended, establishes a “net-zero emissions target” and that this target is to be achieved by 2045 (s.A1). Section 2 establishes “interim targets” of a 56% reduction by 2020, 75% by 2030 and 90% by 2040. These interim targets may be amended, subject to receiving appropriate advice and the application of defined processes. Based on these targets, Ministers must also set, publish and seek to meet annual targets for emissions reductions.
10. Part 2 of the 2009 Act relates to the designation of a statutory advisory body. This body has formal roles, *inter alia*, to provide the advice required under Parts 1 and 3 in relation to the setting and meeting of targets. The body designated under section 24 is the Climate Change Committee (“the CCC”)⁸.
11. Part 3 of the 2009 Act, as amended, makes provision for reporting and planning. In particular, section 33 requires Ministers to report annually on whether the emissions reduction target for that year has been met and, if it has not been met, s.36 requires a report of the steps to be taken “to compensate” in future years.
12. Section 35 *et seq* of the 2009 Act, as amended, provides the statutory basis for the Climate Change Plan (CCP)⁹. This provides for the procedures to be followed as well as the sectors that must be addressed by “proposals and policies”¹⁰. These sections also set out that the plan should, *inter alia*, address issues related to a just transition and set out the costs and benefits of the proposed policies.

Implementation to date

(a) Targets

13. The 2045 net-zero target is established in statute and can only be amended by primary legislation. The 2020, 2030 and 2040 interim targets are also established in statute but with a provision for review and adjustment under certain circumstances. As required, the CCC has recently reviewed these interim targets and concluded that “changes in emissions accounting methodology do not imply the need to change the Net Zero and 2030 and 2040 interim targets, as legislated by the Scottish Parliament”¹¹. While the CCC has proposed that “Scotland’s annual targets in the 2020s should be adjusted”, the proposed adjustment is

⁸ <https://www.theccc.org.uk/>

⁹ In the original Act, known as “Report on Proposals and Policies” (RPP).

¹⁰ Although the legislation is also clear that the plans may include “proposals and policies” on “such other sectors or topics as the Scottish Ministers consider appropriate for the plan” (s.35(2)(b)(ii)).

¹¹

<https://www.theccc.org.uk/wp-content/uploads/2022/12/Progress-in-reducing-emissions-in-Scotland-2022-Report-to-Parliament.pdf> (page 11)



minor and to align “with a translation of the legislated 2020 target to the new inventory basis” (thus, a limited form of ‘accounting’ adjustment).

14. Further, the CCC has also concluded that:

“Scotland’s emissions reduction targets are amongst the most stretching in the world and the Scottish Government has placed a welcome focus on a fair and just transition”... and “We continue to advise that these targets should be achieved through domestic action, without the use of emissions credits”.

15. In the light of this advice, SCCS believes that Scotland’s emissions reduction targets are appropriate and should not be changed (other than minor accounting adjustments to annual targets as described). So far as we are aware, there are no proposals to amend targets, especially the key interim targets for 2030 and 2040. **This representation does not, therefore, raise concerns about the setting or current ambition of emissions reduction targets** – but the above information is offered to provide context and background. The appropriateness of the targets for 2030, 2040 and 2045 was recently confirmed by the CCC who concluded:

“Changes in emissions accounting methodology do not imply the need to change the Net Zero and 2030 and 2040 interim targets, as legislated by the Scottish Parliament. ... We continue to advise that these targets should be achieved through domestic action, without the use of emissions credits.”¹².

16. In addition, of course, given the CCC’s statutory position as advisor on the appropriateness of targets (and ESS’ duty not to overlap with the role of CCC), it may be inappropriate for ESS to consider the issue of the setting or current ambition of emissions reduction targets. However, while this is clear, for target setting, and CCC also has a role in reporting on annual progress (see below), it cannot undertake investigations of the nature requested here and described more fully below.

(b) Emissions reductions achieved

17. The Scottish Government publishes data setting out Greenhouse Gas emissions, and the reductions achieved, on an annual basis. The most recent, published on 7 June 2022, provides data for 2020¹³. This concludes that “the interim target for 2020 has been met” and that “the emissions reduction target for the target year has been met”. These welcome successes were, however, put into context by the Cabinet Secretary’s statement to Parliament¹⁴, in which he said:

¹² <https://www.theccc.org.uk/wp-content/uploads/2022/12/Scottish-Emissions-Targets-first-five-yearly-review.pdf>

¹³ <https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-2020/pages/1/>

¹⁴

<https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-07-06-2022?meeting=13805&iob=125164>



“[The] outcome is welcome, as is the fact that the data shows continued underlying progress in reducing emissions across many key sectors of our economy, such as energy supply and waste management. ... However, it is clear that the largest changes in emissions during 2020 were significantly influenced by the public health measures that were taken in response to the Covid-19 pandemic. In particular, transport activity was limited because people were asked to stay at home to save lives. No satisfaction can be taken from emissions reductions that result from such economic and social harms, and we must be prepared for emissions from the transport sector to have substantially rebounded in 2021.”

18. Previous reports for 2019¹⁵, 2018¹⁶ and 2017¹⁷ all indicate that the targets for those years had not been met. The result for 2020, therefore, was – while welcome – unusual and, as indicated by the Cabinet Secretary, due primarily to measures taken to address the Covid-19 pandemic. Indeed, since the Scottish Climate Change Act became law in 2009, the Scottish Government has failed to achieve 7 of the 11 legal targets¹⁸.

(c) Climate Change Plans

19. The current version of the statutory plan is the Climate Change Plan update (CCPu)¹⁹. This is stated to cover the period 2018-2032 and was last updated in March 2021. Part 3, chapters 1-7 of that plan address the statutorily required sectors, while the introduction, Parts 1 and 2, and Part 3, Chapter 8 both provide context (especially the focus on a ‘green recovery’) and additional matters not required by the 2009 Act.

20. The CCPu is described (see ‘Introduction’) as an update to the 2018 Plan (the third report on proposals and policies 2018-2032, under the 2009 Act)²⁰. The update to the 2018 Plan is said to fulfil the commitment, in line with recommendations from the Scottish Parliament, to update the 2018 Plan, in order to account for the new targets introduced by the 2019 Act.

21. The CCPu was finalised following scrutiny by the former ECCLR committee²¹, and its recommendations made in March 2021²². Partly due to the approaching 2021 election and the (then possible) changes in Government, the then Cabinet Secretary’s response to the ECCLR Committee’s recommendations confirmed the finalisation of the CCPu – but indicated that “*of the 166 specific recommendations raised across the four reports:*

¹⁵ <https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-1990-2019/pages/1/>

¹⁶ <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2018/pages/1/>

¹⁷ <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2017/pages/1/>

¹⁸ <https://www.theccc.org.uk/2022/12/07/scotlands-climate-targets-are-in-danger-of-becoming-meaningless/>

¹⁹ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

²⁰

<https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/pages/0/>

²¹ <https://archive2021.parliament.scot/parliamentarybusiness/CurrentCommittees/116746.aspx>

²² https://archive2021.parliament.scot/S5_Environment/Reports/ECCLR_2021.03.04_OUT_CS_CCPu_Report.pdf



- “We can accept approximately a third of these in principle, but would see these as matters that are either best addressed through other SG strategies and programmes rather than the CCPu (noting that the CCPu simply cannot cover all possible matters in all levels of detail) or which can only practically be developed in time for the next full CC Plan;
- We consider that we are already delivering a further quarter of the recommendations;
- The remainder will require consideration from the next administration if they are to be progressed further”²³.

22. Taken together, the 2018 plan (RPP3) and the CCPu purport to set out the Scottish Government’s plans and policies to achieve the emissions’ reductions targets for the period 2018-2032. As can be seen from the reductions achieved, as set out above, these were unsuccessful in 2018 and 2019, and achieved in 2020 only because of the pandemic. Further, looking ahead, the CCC have recently indicated that:

“There is now a significant risk of Scotland failing to meet its annual targets in the 2020s and the interim 2030 target” ... and

“Scotland has failed to achieve seven out of eleven of its targets to date. The trend of failure will continue without urgent and strong action to deliver emissions reductions, starting now.”²⁴

23. As a result of the above, the CCC has recommended that “the Scottish Government urgently needs to provide a quantified plan for how its policies will combine to achieve the emissions reduction required to meet the challenging 2030 target. The plan must detail how each of Scotland’s ambitious milestones will be achieved”²⁵.

24. Following the 2021 election and the “Bute House Agreement”²⁶, the Scottish Government is now committed to developing and publishing a new Climate Change Plan “in the first half of the current Parliament”. The Scottish Government/Scottish Green Party commitment is to “set out the process to deliver a draft of the next Climate Change Plan, that demonstrates a credible pathway to achieving the 2030 target, for consideration in the first half of this parliamentary session”²⁷. The Scottish Government’s response to the CCC’s progress report

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https://archive2021.parliament.scot/S5_Environment/General%20Documents/ECCLR_2021.03.24_CCP_IN_CS_Response.pdf

²⁴

<https://www.theccc.org.uk/wp-content/uploads/2022/12/Progress-in-reducing-emissions-in-Scotland-2022-Report-to-Parliament.pdf> (page 18)

²⁵

<https://www.theccc.org.uk/wp-content/uploads/2022/12/Progress-in-reducing-emissions-in-Scotland-2022-Report-to-Parliament.pdf> (page 12)

²⁶ <https://www.gov.scot/news/agreement-with-scottish-green-party/>

²⁷

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/09/scottish-government-scottish-green-party-shared-policy-programme/documents/scottish-government-scottish-green-party-shared-policy-programme/scottish-government-scottish-green-party-shared-policy-programme/govscot%3Adocument/scottish-government-scottish-green-party-shared-policy-programme.pdf>



(press release issued 06/12/22 but not online) included a comment by the Cabinet Secretary that “we are actively considering the CCC’s advice alongside work we have already started to prepare a new, detailed Climate Change Plan covering the period to 2040.”

25. To meet the commitments quoted above, this new CCP will, therefore, need to both “demonstrate a credible pathway to achieving the 2030 target” and “cover the period to 2040”. A draft is expected to be laid before Parliament in, or before, November 2023 and is referenced in the current Programme for Government with a commitment to “prepare an updated Climate Change Plan, keeping Scotland on track to meet our target of net zero by 2045”²⁸.

(d) Implementation: some conclusions

26. It is self-evident from the information presented above that, while some progress has been made in reducing territorial emissions in Scotland, too often the legal targets have been missed (or only met as a result of the pandemic). In addition, official advice is that “there is now a significant risk of Scotland failing to meet its annual targets in the 2020s and the interim 2030 target”.
27. On the basis of that conclusion, it is thus also self-evident that the measures (proposals and policies) in the 2018 Plan (RPP3) and its update (the CCPu) have been insufficient. Accordingly, **either the requirements set out in the 2009 Act (as amended for post 2019 issues) were inadequate to drive emission reduction at the scale required, or compliance (implementation) by the Scottish Government was inadequate.**

Other issues to be considered

28. SCCS is aware that ESS “normally expect that [those making representations] have given the relevant public authority the opportunity to respond” or otherwise sought to resolve concerns. The development and approval of the CCP is a matter for Ministers and, while the 2009 Act requires consultation and Parliamentary scrutiny, there is no formal process for ‘objections’, ‘appeals’ or for the Government ‘to respond’ to consultees. Rather, this is part of the ongoing stakeholder engagement undertaken in any policy development process.
29. The annex to this representation, therefore, sets out SCCS’ engagement with the CCP process, both directly with the Scottish Government and indirectly through the Parliamentary

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<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/09/stronger-more-resilient-scotland-programme-government-2022-23/documents/stronger-more-resilient-scotland-programme-government-202223/stronger-more-resilient-scotland-programme-government-202223/govscot%3Adocument/stronger-more-resilient-scotland-programme-government-202223.pdf> (page 5)



scrutiny process. As is detailed in the annex, SCCS and its members offered a considerable range of ideas for improved policies and/or greater transparency and clarity. Many of these ideas were supported by the relevant Parliamentary committees. While some were considered and included in the CCPu, many were not – either in the draft submitted to Parliament or in the finalised version (which was, as set out above, unamended). Other stakeholders, and of course, the Parliamentary Committees will also have provided ideas for inclusion in the RPP/CCP/CCPu which were not adopted. No assessment has been made of where/how the recommendations, (that were purported to be “*addressed through other SG strategies and programmes*” or were “*already [being] deliver[ed]*”), have been addressed. Neither, is there any clear statement of what decision the “next administration” (now the current Scottish Government) has made in relation to the recommendations that “*require[d] consideration from the next administration*”.

30. When asked, in September 2021, about progress in implementing the 166 recommendations, the new Scottish Government simply referred back to the previous government’s letter of 24 March 2021, including the reference to a number of those recommendations requiring “consideration from the next administration”²⁹. The failure to adopt and/or implement ideas from stakeholders and/or to respond positively to recommendations from Parliamentary scrutiny will have, at least in part, led to the failure to meet the targets.
31. As set out in the annex, similar engagement is also underway in relation to the new CCP. As this process is yet to be concluded, no assertion is made in relation to the effectiveness of this engagement. However, a formal investigation, following this representation, into the effectiveness/compliance issues in relation to the previous/current RPP/CCP/CCPu would, in our submission, provide valuable information, advice and/or incentive to ensure that the new CCP is as comprehensive and effective as possible.
32. The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 requires that ESS’s strategy set out “how it intends to exercise its functions in a way that respects and avoids any overlap with ... *inter alia* ... the Committee on Climate Change”³⁰. This is addressed in ESS’ Strategy (especially paragraphs 7.4 and 7.5) which indicates that discussions with the CCC are ongoing and a Memorandum of Understanding will set out future liaison and cooperation arrangements³¹. Given the subject matter of this representation, the issue of the respective functions of the CCC and ESS will need to be considered.

²⁹ <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-02800>

³⁰ <https://www.legislation.gov.uk/asp/2021/4/contents> (Sch. 2, Para 1(1)(d))

³¹

<https://www.environmentalstandards.scot/wp-content/uploads/2022/12/Environmental-Standards-Scotland-Approved-Strategic-Plan-20221201.pdf>



However, SCCS would respectfully submit that, while CCC's analysis and advice is valuable (and, indeed, quoted and relied upon above), this is limited to the technical issues on which it is required to advise by the 2009 Act, as amended. The CCC has no powers or functions to investigate (non)compliance with or the (in)effectiveness of law/legal framework or to take action such as the issuing of Improvement Reports or Plans. These latter functions are part of ESS' remit – hence, this representation. In considering this representation, however, it would be expected that ESS will wish to liaise with the CCC, and would likely make considerable use of its data, analysis and advice.

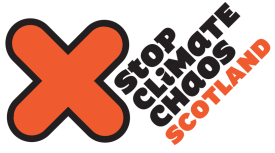
33. In considering this representation, account will need to be taken of the decision of the High Court (of England and Wales) in the case of Friends of the Earth, ClientEarth, Good Law Project v Secretary of State for Business, Energy and Industrial Strategy³². In that case, the High Court found that the net zero strategy, which sets out plans to decarbonise the economy, did not meet the UK Government's obligations under the UK Climate Change Act to produce detailed climate policies, that show how the UK's legally binding carbon budgets will actually be met. This finding that the UK government's plan for reaching net zero emissions required greater clarity "demonstrates the willingness of courts to scrutinise the climate change strategies of governments", according to one legal expert³³.

Outcomes sought from this representation

34. We respectfully request that ESS carry out an investigation into the effectiveness of the current legal regime in relation to the Climate Change Plan(s) and/or the Scottish Government's compliance with and/or implementation of that legal regime. This representation does not, of course, raise concerns about the setting or current ambition of emissions reduction targets but about the actions taken to achieve those targets.
35. It is suggested that ESS should consider issuing an Improvement Report with specific recommendations to improve effectiveness of, implementation of and/or compliance with Part 3 of the 2009 Act. SCCS recognise that it would be inappropriate for such an investigation to, at this stage, to seek to "re-do" the past CCP/CCPu process – but rather it should act as a retrospective review of that process and an identification of 'lessons learnt'. Such an investigation and/or Improvement Report would be both timely and invaluable given that work is currently underway on the preparation of a new CCP – a process that will continue throughout 2023 and will also include Parliamentary scrutiny (and the response to that scrutiny) in 2024.

³² <https://www.judiciary.uk/wp-content/uploads/2022/07/FoE-v-BEIS-judgment-180722.pdf>

³³ <https://www.pinsentmasons.com/out-law/news/clientearth-case-scrutinise-governments-climate-strategies>



Stop Climate Chaos Scotland

3rd April 2023



SCCS interactions with the Scottish Government and the CCP process

SCCS is aware that ESS “normally expect that [those making representations] have given the relevant public authority the opportunity to respond” or otherwise sought to resolve concerns. The development and approval of the CCP is a matter for Ministers and, while the 2009 Act requires consultation and Parliamentary scrutiny, there is no formal process for ‘objections’, ‘appeals’ or for the Government ‘to respond’ to consultees. Rather, this is part of the ongoing stakeholder engagement undertaken in any policy development process.

Following the passage of the 2019 Act, and the Scottish Government’s commitment to an update to the (then) RPP3, SCCS and its members compiled and submitted to the Scottish Government detailed proposals for the policies that we considered would be necessary. In early 2020, SCCS and its members compiled a comprehensive prospectus of “policy proposals for each chapter (except industry and also including marine, international and just transition) and a short summary document”. Although finalisation of this was delayed, by the pandemic and ‘lockdown’ in the spring/summer of 2020, summaries for each chapter, and an overall summary (including a link to the full prospectus), was submitted to the Scottish Government on 20 October 2020. A copy of this submission is attached to this representation. These policy proposals were also summarised for reference in SCCS’ public campaign for an improved CCP which ran from January to March 2021³⁴.

Following publication of the (then) draft CCPu, in December 2020, SCCS (as well as many of its members) submitted evidence to the former ECCLR committee (and other relevant Parliamentary committees). The call for evidence was open from 16 December 2020 to 12 January 2021³⁵. Our response³⁶ was based on an analysis of the CCPu against the various transformational changes that SCCS called for, as the Government was preparing the update. The response raised a number of concerns about the draft CCPu, including that:

“While the overall emissions reduction targets are possibly sufficient, the data for each sector contributing (and how the suggested policies and proposals contribute to delivering such reductions) is, to say the least, “obscure”. This is because “these [sector] envelopes have been developed through an iterative process which combines evidence, analytical modelling and the application of judgement in the face of considerable uncertainty” (p251).

“Such uncertainty arises, in great part, due to the tentative or unpredictable nature of many of the policies/proposals. For instance, many are – in fact – simply promises ‘to review’, ‘to consult’, etc and depend on subsequent ‘roadmaps’, strategies, or action plans (the content of which is unknown at present). Thus, while many intentions are positive, it is unclear whether or how these will be realised – and thus what reductions in emissions will result.”

³⁴ <https://www.stopclimatechaos.scot/campaign/climatechangeplan/>

³⁵ <https://yourviews.parliament.scot/session-5/ccp-update/>

³⁶ https://yourviews.parliament.scot/session-5/bb64a809/consultation/view_respondent?uuld=367457133



The response also indicated:

“In addition to these general concerns about uncertainty, our overall assessment of the CCPu shows that there are several welcome and positive measures (both existing and new), but there are also many significant concerns. For buildings, there is good progress made, and in sectors such as transport and waste, there are a number of positive ideas. However, we remain concerned that few specific actions have been proposed to “grasp the nettle” on some big challenges (such as agriculture and aviation to/from Scotland).

“It is also disappointing that, in areas where Scotland has the potential to be world-leading (such as peatlands, forestry and the marine environment), the policies in the plan are little more than the status quo along with proposals for further research and the exploration of further ambition.”

It also stressed that carbon capture and hydrogen made from natural gas are, disappointingly, still too big a part of the Scottish Government’s plans, although previous enthusiasm for these two linked technologies had been tempered by reality and they were now only envisaged to be significant by the end of the decade. The response also provided detailed comments on the specific policy areas (land use, forestry, peatlands, deer, marine and waste) and was supported by further submissions to other committees on further sectors that were addressed by the (then) EEFW, LGC and REC Committees.

The (then) ECCLR Committee’s conclusions and recommendations from their scrutiny, as well as that of the other Committees, were published on 4 March 2021³⁷. In this report, as well as 166 specific recommendations, the Committee also including a number of key general messages, including that:

“the Scottish Government must:

- *Provide greater clarity on the modelling, evidential base and assumptions that underpin how the emission envelopes were determined, and the associated policy decisions chosen, throughout.*
- *Demonstrate how the policies and proposals deliver the envelopes presented for each sector. Understanding the relative emissions abatement significance of the policies and proposals is key to supporting the implementation of the plan, by enabling potential risks and deficiencies to be identified and corrected”.*

Gillian Martin MSP, the Convener of the Environment, Climate Change and Land Reform Committee, which took the lead role, wrote on 17 March to the Cabinet Secretary, concerned about the process and timescales. She said in her letter:

“While the Committee is keen to see the CCPu finalised as a matter of priority, it stresses the importance of the parliamentary scrutiny process. There is a considerable expectation that the recommendations of the four parliamentary committees that engaged in scrutinising the draft CCPu will be given full consideration and will be reflected in the final document. The Committee considers that producing a CCPu that does not take into account the

³⁷ https://archive2021.parliament.scot/S5_Environment/Reports/ECCLR_2021.03.04_OUT_CS_CCPu_Report.pdf



*recommendations of the committees that reported on it raises serious questions about the integrity of the consultation process and the process of parliamentary scrutiny*³⁸.

Nevertheless, despite the Convener's comments noted above, on 24 March 2021, the then Cabinet Secretary's response³⁹ to the ECCLR Committee's recommendations confirmed the finalisation of the CCPu without amendment. While this was, no doubt, partly due to the approaching 2021 election and the (then possible) changes in Government, it meant that all the proposals offered by stakeholders and agreed as recommendations from the committees were to be addressed (if at all) in another way. The then Cabinet Secretary wrote that "of the 166 specific recommendations raised across the four reports:

- "We can accept approximately a third of these in principle, but would see these as matters that are either best addressed through other SG strategies and programmes rather than the CCPu (noting that the CCPu simply cannot cover all possible matters in all levels of detail) or which can only practically be developed in time for the next full CC Plan;
- We consider that we are already delivering a further quarter of the recommendations;
- The remainder will require consideration from the next administration if they are to be progressed further."

When asked, in September 2021, about progress in implementing the 166 recommendations, the new Scottish Government simply referred back to its predecessor's letter of 24 March 2021, including the reference to a number of those recommendations requiring "consideration from the next administration"⁴⁰. As far as SCCS is aware, there still remains no clear, public statement of what, if any, of the recommendations that "will require consideration from the next administration" are being progressed.

Following the 2021 election and the "Bute House Agreement"⁴¹, the Scottish Government is now committed to developing and publishing a new Climate Change Plan "in the first half of the current Parliament". The Scottish Government/Scottish Green Party commitment is to "set out the process to deliver a draft of the next Climate Change Plan, that demonstrates a credible pathway to achieving the 2030 target, for consideration in the first half of this parliamentary session"⁴². The Scottish Government's response to the CCC's progress report (press release issued 06/12/22 but not online) included a comment by the Cabinet Secretary that "we are actively considering the CCC's advice

³⁸

https://archive2021.parliament.scot/S5_Environment/General%20Documents/ECCLR_2021.03.16_CCP_OUT_CS_Update.pdf

³⁹

https://archive2021.parliament.scot/S5_Environment/General%20Documents/ECCLR_2021.03.24_CCP_IN_CS_Response.pdf

⁴⁰ <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-02800>

⁴¹ <https://www.gov.scot/news/agreement-with-scottish-green-party/>

⁴²

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/09/scottish-government-scottish-green-party-shared-policy-programme/documents/scottish-government-scottish-green-party-shared-policy-programme/scottish-government-scottish-green-party-shared-policy-programme/govscot%3Adocument/scottish-government-scottish-green-party-shared-policy-programme.pdf>



alongside work we have already started to prepare a new, detailed Climate Change Plan covering the period to 2040.” This new plan is expected to be tabled, for Parliamentary scrutiny, in November 2023.

Given the above commitments, SCCS has engaged with the Scottish Government to discuss, and input to, the work being undertaken to prepare the new Climate Change Plan. A ‘strategic’ meeting was held in January 2022, at which a range of topics were discussed including scope, data/transparency, and engagement. At the request of officials, SCCS subsequently produced a paper which outlined “some thoughts on scope”⁴³; this was later sent with correspondence to the Cabinet Secretary. This initial strategic engagement was followed by a series of sectoral meetings, addressing *inter alia* marine, land use, transport, waste, etc. Further meetings were held in January 2023, involving Scottish Government CCP officials and a variety of NGOs, including SCCS members, suggesting positive progress in relation to scope and plans for further engagement were agreed.

⁴³

<https://www.stopclimatechaos.scot/wp-content/uploads/2022/08/CCP-scope-one-sider-from-SCCS-1-Mar-2022-FINAL.docx-2.pdf>