POLICY NOTE

THE CLIMATE CHANGE (ANNUAL TARGETS) (SCOTLAND) ORDER 2016

S.S.I. 2016/XXX

The above instrument ("the Order") will, if approved, be made by the Scottish Ministers in exercise of the powers conferred by section 4(1) of the Climate Change (Scotland) Act 2009 ("the Act") and all other powers enabling them to do so. The Order is subject to the affirmative procedure.

Policy Objectives

1. The purpose of the Order is to set annual greenhouse gas emission reduction targets ("annual targets") for each year in the period 2028-2032. The targets match one of the options recommended by the Committee on Climate Change ("CCC")[1], who are designated under the Act as the relevant body for providing independent, expert advice to the Scottish Ministers.

2. In the Act, an "annual target" for any year means the target for the maximum amount of the 'net Scottish emissions account' for that year. In this context 'net Scottish emissions account' means the aggregate amount of net Scottish emissions of greenhouse gases (as reduced by any carbon units credited to it, and increased by any carbon unit debited from it).

3. In July 2016, the CCC recommended that Scottish Ministers adopt one of two options for setting annual targets for each year in the period 2028-2032[2]. The CCC has advised that both of these options would be consistent with a reduction (over the period to 2050) of net Scottish emissions accounts which would allow 'the 2050 target' to be met (i.e. it would allow the net Scottish emissions account for 2050 to be at least 80% lower than the baseline).

4. The targets set out in this Order match the more ambitious of the two options recommended by the CCC.

Consultation

5. The Scottish Ministers requested advice from the CCC as to the levels at which to set the annual targets. The targets to be set by the Order accord with the advice of the CCC.

Impact Assessments

6. A further Strategic Environmental Assessment (SEA) is not required for the Order because a full SEA (which took account of the 2050 target, which remains in place) was carried out for the Climate Change (Scotland) Bill. The final Assessment was published in November 2008[3] and considered a range of high level and more detailed level options for reducing Scotland's greenhouse gas emissions. In particular, the setting of annual targets to mark out the trajectory of reductions needed to meet the 2050 target does not, in itself, have any detrimental effect on the environment. Rather, it is the measures that are implemented to deliver emissions reductions that will have environmental effects.

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[1] Established by the Climate Change Act 2008.
[2] http://www.gov.scot/Topics/Environment/climatechange/legislation/CCC-updated-advice
[3] http://www.gov.scot/Publications/2008/12/03145652/0

7. Section 35 of the Act places a duty on the Scottish Ministers to lay before the Scottish Parliament, as soon as reasonably practicable after setting a batch of annual targets, a report detailing proposals and policies for achieving those targets. The first Report on Proposals and Policies (RPP1), covering emission reduction targets to 2022, was published in March 2011. The second Report on Proposals and Policies (RPP2), covering emission reduction targets to 2027, was published in March 2013. SEA Reports, which accompanied the drafts of both RPP1[4] and RPP2[5], considered the potential environmental effects of the measures they contained. Many of the proposals and policies that were previously assessed in RPP1 and RPP2 SEAs will also be relevant to the draft of the third statutory Report on Proposals and Policies (RPP3), which will follow from the setting of the third batch of annual targets through the present instrument. To ensure that new proposals and policies are assessed, as well as the cumulative effects of measures operating in combination, further SEA Reports will be undertaken for RPP3, and for individual policies and measures as appropriate.

8. A further Equality Impact Assessment (EQIA) is not required for the Order because a full EQIA was carried out for the Climate Change (Scotland) Bill (which took account of the 2050 target, which remains in place). The final Assessment was published in May 2009[6].

9. A Child Rights and Wellbeing Impact Assessment (CRWIA) is not required for the present instrument as it is considered that the setting of targets will not, in itself, have any effect on children and young people.

10. A Privacy Impact Assessment (PIA) is not required for the present instrument, as it has no relevance to personal information or intrusive technologies.

Financial Effects

11. A Business and Regulatory Impact Assessment (BRIA) is not required for the Order as the annual targets set for each year in the period 2028-2032 will not impose any additional costs or new regulatory burdens on businesses, the third sector or public sector organisations.

12. A Regulatory Impact Assessment (the predecessor to BRIA) was carried out for the Climate Change (Scotland) Bill. The final Assessment was published on 5 May 2009[7]. BRIA have also been carried out for a number of the measures in RPP1 and RPP2. The individual measures, or related groups of measures, detailed in RPP3 will be subject to BRIA as appropriate.

13. The potential costs of specific individual measures designed to reduce emissions will be assessed in the BRIAs that are carried out as appropriate during the policy development process. Many of the individual measures can realise financial savings, usually from reduced demand or greater efficiency that can outweigh the initial cost of making the change.

Directorate for Energy and Climate Change
Scottish Government
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[4] http://www.gov.scot/Publications/2010/11/18140057/0
[5] http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets/SEA
[6] http://www.gov.scot/Topics/People/Equality/18507/EQIASearch/ScottishClimateChangeBill
[7] http://www.scotland.gov.uk/Publications/2009/05/01155216/0