
On 12th June the UK Government laid before Parliament a bill to amend the Climate Change Act of 2008, committing the UK carbon account to ‘net zero’ greenhouse gas emissions by 2050 in comparison with the 1990 baseline\(^1\). The Climate Change Act of 2008\(^2\) was an instrumental piece of legislation, setting out the first commitment in domestic legislation by a government to limit greenhouse gas emissions by a set date. The Act placed a duty on the Secretary of State for an 80% reduction in UK greenhouse gas emissions by 2050 against the 1990 baseline. Under the Government’s latest proposed amendment, there would be a duty for a 100% reduction in UK greenhouse gas emissions against the 1990 baseline. The amendment therefore sets a new national benchmark in legislation, against which aspirations for carbon emission reductions in the UK may now be compared.

The net zero amendment to the Climate Change Act is a response by the UK Government to the Committee on Climate Change report *Net Zero – The UK’s contribution to stopping global warming* (May 2019\(^3\)). The establishment of a Committee on Climate Change was legislated within the Climate Change Act, to provide the Secretary of State with information on carbon targets and budgeting. The Committee on Climate Change recommended that UK net-zero greenhouse gasses emissions by 2050 would deliver on the commitment that the UK made by signing the Paris Agreement in 2015, and is achievable with known technologies, alongside improvements in people’s lives, and within the expected economic cost that Parliament accepted when it legislated the existing 80% reduction target by 2050.

Whilst a net-zero greenhouse gas emissions target was recommended as achievable for the UK as a whole by 2050, for Scotland a net-zero target of 2045 was recommended, reflecting Scotland’s greater relative capacity to remove emissions than the UK as a whole. In Wales, a 95% reduction in greenhouse gases against pre 1990 emissions was recommended by 2050, reflecting challenges presented by the greater degree of reliance of the Welsh economy on agriculture. However, following the UK Government’s announcement, the Welsh Government also announced that it would legislate within the next year for a net-zero greenhouse gas emissions by 2050 target for Wales\(^4\).

### Climate Change Assessment in EIA

Schedule 4 Paragraph 4 of the Town & Country Planning Environmental Impact Assessment Regulations 2017, sets out the requirements for information in Environmental Statements includes (inter alia): ‘a description of the factors specified in regulation 4(2) likely to be significantly affected by the development:...climate (for example greenhouse gas emissions, impacts relevant to adaptation)...’.

Schedule 4 Paragraph 5 also sets out the requirement for: ‘A description of the likely significant effects of the development on the environment resulting from, inter alia... (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change...’.
The net zero amendment to the Climate Change Act of 2008 potentially has a significant impact on the scope of greenhouse gasses assessment in UK EIA. Current practice guidelines (IEMA, 2017) assume that all greenhouse emissions from EIA development projects are considered significant, with mitigation focusing on reducing emissions against carbon budgets derived from comparable regional or sectorial carbon emissions. This follows there are currently no global carbon emission budgets defined, beyond which significant impacts of climate change would be likely to occur. Under the Precautionary Principle all greenhouse gas emissions must therefore be considered as potentially contributing to significant impacts of climate change.

The 2015 Paris Agreement commits the UK along with other signatories to restricting climate change to 2°C, in order to avoid the effects of dangerous climate change. However, the Intergovernmental Panel on Climate Change Special Report has subsequently revised the advice provided to governments, recommending that limiting climate change to 1.5°C is necessary to avoid dangerous climate change. Although there is still no global carbon budget, the new UK target would effectively end UK contribution to greenhouse gas emissions.

The UK commitment in legislation for net zero emissions by 2050 effectively sets a new benchmark for greenhouse gasses assessment in EIA. It follows that as well as any greenhouse gas emissions from development projects are considered significant, any inability to eliminate emissions against the net zero emissions by 2050 benchmark should also now be considered significant. All emissions from development projects with a design life up to 2050 would essentially therefore need to be eliminated to avoid likely significant effects in EIA terms.

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1. https://publications.parliament.uk/pa/bills/cbill/2017-2019/0399/cbill_2017-20190399_en_2.htm#l1g1
6. IPCC Special Report on Global Warming of 1.5°C approved by governments (October 2018).