

To: Nick Hurd MP
Minister of State for Climate Change and Industry
Department for Business, Energy and Industrial Strategy
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4 April 2017

Dear Minister,

ClientEarth report: 'Mind the Gap- Reviving the Climate Change Act'. Publication of the Emissions Reduction Plan I Clean Growth Plan

1. Thank you for your letter of 9 January 2017. We refer to our letters of 4 October and 3 November 2016 (copies enclosed) in which we outlined our recommendations in relation to the Emissions Reduction Plan I Clean Growth Plan ("Plan"). These recommendations are described in greater detail in our report, "Mind the Gap - Reviving the Climate Change Act".

Continued delays and the urgent need for the Plan

2. We are increasingly concerned that no Plan has yet been published. We are also concerned at how the expected timeframe for publication has been incrementally pushed back. As you know, the Government's stated intended timeframe for publication has evolved from December 2016, to February 2017, to "Q1" (i.e. no later than end of March) 2017 to "as early on in 2017 as possible".
3. Sections 12 and 14 of the Act require the Secretary of State to publish the Plan - along with an indicative annual range for the future net UK carbon account in the light of it- "as soon as is reasonably practicable" after the fifth carbon budget was set. The Act does not authorise indefinite delays.
4. The recently published 2016 Updated Energy and Emissions Projections only reaffirm how much progress is urgently needed.
5. As you know, the strength of the Act is that it enables long-term advance planning and investment. An ambitious plan now will put the UK on the pathway to real emissions reductions and real investment in the 2020s and early 2030s. Failure now to produce an ambitious plan that will put the UK on track to meet the legally binding fourth and fifth carbon budgets will only compound the earlier failures since the fourth carbon budget was set in 2011.

Invitation to consult stakeholders on a draft Plan

6. Businesses and civil society continue to urge you to grasp the opportunity to firm up the UK's commitment to the low-carbon transition. The institutional Investors Group on Climate Change has this week urged your Department to provide in the Plan "a detailed policy framework sufficient to persuade institutional investors to mobilise the hundreds of billions of long-term capital required to meet the targets set out under the Paris Agreement and deliver a low carbon economy". The IIGCC's conclusions align with many of the points made in our Mind the Gap report.
7. In September last year you said that the development of the Plan "has to be a shared challenge." You said that, to that end, the Government "need[s] to engage with the private sector and non-Governmental organisations." However, in the six months since that statement, no plan has emerged.
8. We invite the Government to publish a draft Plan for consultation as a matter of urgency.
9. Government sought the views of stakeholders through public consultation on its 2011 plan. The 2011 Carbon Plan was published first in draft (in March 2011), with input sought in advance of its final publication that December.
10. We are confident that you share the view that the new Plan represents a huge opportunity for the UK to take a lead in the new green economy. And we hope you will take advantage of the expertise and support of business and civil society in this endeavour.
11. A formal consultation would provide all stakeholders, including ClientEarth, with the opportunity to comment on the Government's draft plans at the earliest opportunity.

Next steps

12. We share with you the aim of ensuring that the Plan is effective and viable, and we therefore reaffirm our desire to meet with you or members of your team, and more generally offer our assistance - whether in a meeting or by submitting a consultation response- in the creation of a strong Plan.
13. We are acutely aware that the UK's transition to a low-carbon economy depends on the prompt publication of a new Plan that charts - clearly and in detail - how our existing carbon budgets are intended to be met. We cannot risk the publication of that Plan being, in effect, delayed indefinitely. If the Government contends that it has not been reasonably practicable for it to publish the Plan, then we consider that the onus is on Government to provide its reasons for the ongoing delay.
14. We would appreciate a response within 21 days on the matters raised in this letter, in particular:
 - A. The Government's revised date for the publication of the new Plan to meet the fourth and fifth carbon budgets.

- B. if the Government is unable to confirm the date, then the reasons for such delay and how it meets the statutory requirement to publish the Plan as "soon as is reasonably practicable".
- C. The Government's position on whether it will publish a draft Plan for public consultation as soon as possible.

Yours sincerely,

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