

How does the UK achieve net zero targets after climate action plan is ruled unlawful?

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Commenting after the High Court ruled that the UK Government's climate action plan is unlawful, Ben Standing, Partner specialising in [planning](#) and [environmental law](#), and Alistair Taylor, Associate, at Browne Jacobson, said: "The High Court has today found that that the Government breached the Climate Change Act when it adopted the Carbon Budget Delivery Plan under the act following a legal challenge brought by Friends of the Earth, ClientEarth and Good Law Project.

"The Carbon Budget Delivery Plan, the subject of the ruling, was published in March 2023 and purported to set out Government policies that enable the binding targets set in carbon budgets to be met, including the pledge to cut emissions by over two-thirds by 2030.

"The adoption of five-yearly carbon budgets is a legal requirement under the Climate Change Act. Each carbon budget sets legally-binding targets for the UK to cut its greenhouse gas emissions. The sixth carbon budget, which covers the period 2033 to 2037, was adopted in 2021.

"The latest Carbon Budget Delivery Plan was published after the High Court ruled that the previous plan was also unlawful.

"The Climate Change Committee, the Government's independent adviser on climate, found in June last year that there were only credible plans for less than a fifth of the emissions cuts needed to meet the UK's sixth carbon budget, which starts in 2033.

"As a result of today's ruling, the Secretary of State for Energy Security and Net Zero, Clare Coutinho, is expected to have to draw up a revised plan within 12 months.

"To comply with the Climate Change Act, the plan must ensure that the UK achieves its legally-binding carbon budgets, and its pledge to cut emissions by over two thirds by 2030, both of which the Government is not on track to meet.

"How this is to be achieved is not clear, and it will be interesting to see the approach taken by the Government to this politically sensitive issue – especially considering the comments by the Prime Minister last September, which took focus away from carbon reduction.

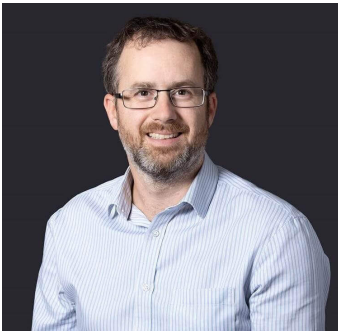
"The period for updating the plan is likely to coincide with the General Election later this year. It is unclear whether the Government will seek to issue an updated plan before the election or pass this responsibility on to the next administration."

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