Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2018/19

Report by Mary Smith, Director: Education, Communities & Economy

1   Purpose of Report

The purpose of this report is to inform Cabinet and Performance Review and Scrutiny Committee of the Council's statement of compliance with Climate Change Duties for 2018/19, a copy of which is available in the CMIS Member's Library, and to recommend its submission to Scottish Government by the due date of 29 November 2019.

2   Background

2.1   Since 2007, all Scottish local authorities have been signatories to Scotland's Climate Change Declaration; publicly committing themselves to reducing greenhouse gas emissions, taking steps to adapt to climate change impacts and working in partnership, including with communities, on climate change.

2.2.   The Climate Change (Scotland) Act 2009 set economy-wide (not organisational) emissions reduction targets. It introduced a statutory requirement for public bodies to undertake "climate change duties" and to operate in the way best calculated to contribute to delivering these targets and to help deliver any Scottish programme for adapting to the impacts of a changing climate. Scotland's Climate Change Adaptation Programme was published in 2014 and sets out Scottish Ministers' objectives, policies and proposals to tackle the impacts of climate change and achieve the set targets within the Act. The Act was amended in September 2019, when the Scottish Government voted to strengthen its targets for cutting greenhouse gas emissions. It now requires a 75% cut in emissions by 2030 (compared to a 1990 baseline) and it set a net-zero emissions target for 2045.

2.3   The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 requires local authorities and other major public bodies to report to Scottish Ministers each year on what they have done to comply with the above duties, the focus being estate and operational activity. Local authorities must submit reports by the end of November in respect of the preceding financial year.

2.4   The format of, and information to be supplied in the annual report is prescribed by secondary legislation. Public bodies report by completing an extensive online pro-forma which forms part of a national database. A copy of the Council's submission is available in the CMIS Member's Library. Section 3 of this report provides a summary of the proposed submission.

2.5 The section of the report entitled "Recommended Reporting: Reporting on Wider Influence" is non-statutory and primarily relates to activity and emissions beyond the Council's estate and operational activity, i.e. by others but able to be influenced by the Council. Public bodies are encouraged to complete what they can within this. The 2018/19 report year has this section more heavily populated than has been the case previously.

3   Summary of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2018/19

3.1 This section provides a summary of and explanatory notes in respect of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2018/19 (hereafter referred to as the *submission*).

<u>STATUTORILY REQUIRED SECTION</u>

PART 1: PROFILE OF REPORTING BODY

3.2 The Council's submission provides commentary against set actions/targets and technical data. This section of the report provides a summary of the key findings on both the statutory (Parts 1 – 5) and non-statutory sections of the Council's submission.

3.3 During the report year, the Council employed 3,729 full-time equivalent staff and its revised budget was £204,256,884.

3.4 The Council provided local authority services during the report year to a National Records of Scotland (NRS) mid-2018 estimated population of 91,340. This was an increase of 1.4% on the mid-2017 estimate; the highest percentage increase of all Scottish Local Authorities over the period. From mid-2008 to mid-2018, Midlothian has seen the second highest such population increase in Scotland at 12%, behind the City of Edinburgh at 13% and considerably higher than the next highest increase of 8.7% in Glasgow. NRS project that Midlothian will have the highest percentage population increase of all Scottish local authority areas over the period 2016 to 2041 at 30%, compared to 5% for Scotland as a whole. These figures are indicative of the challenges and opportunities faced by the Council in addressing climate change.

3.5 The report year fell within an ongoing period of considerable financial constraint and organisational change for the Council, which, coupled with increasing service demands and customer expectations has served to intensify the challenge of addressing climate change. These circumstances should also be viewed against the recent approval by the Scottish Parliament of more ambitious emissions reductions targets and the declaration of a climate emergency by the Scottish Government and UK Parliament.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

Governance and Management

3.6   Political leadership in respect of and responsibility for Council climate change action lies with its Cabinet. In previous years, a cross-divisional Climate Change & Sustainable Development Group of officers reported to the Corporate Management Team (CMT) and to Cabinet in turn. Cabinet has also previously referred the Council's Public Bodies Climate Change Duties (PBCCD) Report to the Performance Review and Scrutiny Committee for evaluation.

3.7   While the Climate Change & Sustainable Development Group did not meet during the reporting year, a review of the Council's Climate Change Strategy has been instigated in this time. This has yet to be approved, and will go before CMT later in 2019 and then to Cabinet, but currently proposes re-instating the Climate Change and Sustainable Development Group alongside a review of its composition, remit and meeting schedule.

3.8   The head of the Council's Planning Team has historically been the chair of the Climate Change and Sustainable Development Group and this department has also been responsible for the recent review of the Climate Change Strategy and drafting a Climate Change Action Programme. If approved, this latter document will instigate various measures which are aimed towards reducing the Council's carbon footprint. These will be referenced in later PBCCD Reports, which are completed by an officer in the Planning Team. This member of staff also has the responsibility of compiling a list of pro-environmental and carbon reduction activities that the Council is currently doing (in the form of a Climate Change Audit).

3.9   The Council previously prepared two Carbon Management Plans (CMPs), however the second expired in 2016 and since then a carbon reduction target has been included in the Property and Facilities Management Service Plan. The new Climate Change Strategy proposes re-instating the Carbon Management Board to oversee the preparation of a new CMP which will be reviewed at regular intervals and align with the timeframe of the new Strategy.

3.10   The Resources division's Property & Facilities Management service has previously led on the CMP and chaired a Carbon Management Team. This cross-divisional group (including building, waste, street lighting and fleet interests) is intended to report to a Carbon Management Board comprising Directors and the Head of Property & Facilities Management.

3.11   Other important contributors in relation to climate change activity within Properties & Facilities Management include:
   - An Energy Assistant Development Officer, whose work includes monitoring energy consumption within the Council's estate;

- A Planned Maintenance Manager, whose work includes managing home insulation projects for fuel poor households;
- Staff who work on various energy efficiency projects across the Council's estate under the Non-Domestic Energy Efficiency Framework and similar projects within new-build schools.

3.12 Staff with important roles for climate change activities that are located in the Council's Commercial Operations service (also part of the Resources Directorate) include:
- An Active Travel Marketing Officer whose role involves promoting cycling and walking across the area, such as by working on projects to provide facilities and equipment for staff;
- A School Travel Plan Co-ordinator. These document the measures that schools do to reduce unnecessary car use, encourage healthy and sustainable travel options and increase safety for children getting to and from school. They also apply to staff.

3.13 In-house "Integrated Impact Assessments" accompany each of the Service Plans for Council departments. These are completed by the relevant Head of Service and are used to identify whether proposals will have environmental impacts, and if so, what they are and their magnitude. They require the author to rate whether such proposals have high or low relevance to environmental matters and to also provide further detail on how they may or may not impact on more specific environmental issues, including climate change adaptation, enhancing biodiversity and resource/energy efficiency.

Strategy

3.14 As stated above, the Council's Climate Change Strategy is being reviewed at the time of writing. Its draft form proposes the following objectives:
- To make a commitment to stop contributing to climate change;
- To raise awareness about the impacts and risks from a changing climate;
- To take a "One Council" approach to reducing carbon emissions and putting this objective at the heart of our organisational activities, processes and decisions;
- To encourage people, businesses and communities to make a climate change commitment;
- To lead by example and provide climate change leadership to our partners, communities and businesses;
- To develop our resilience and ability to adapt to the impacts and risks of a changing climate;
- To monitor and publicly report our climate change progress.

3.15 The Single Midlothian Plan has five medium-term outcomes, one of which is titled "Sustainable Growth".

It includes the goal that "Environmental limits are better respected, in relation to waste, transport, climate change and biodiversity". The Plan also identifies priorities for the specific year to which it refers. These include the increased use of renewable energy and sustainable travel.

3.16 Other key Council plans and strategies with a connection to estate/operational aspects of climate change include:
- The Property and Facilities Management Service Plan - this identifies how energy efficiency, renewable energy and carbon reduction projects form part of the "Key Service Areas" for various departments within the wider service;
- The Commercial Operations Service Plan – this identifies the importance of, for example, the utilisation of the Council's fleet and passenger transportation arrangements in reducing its carbon footprint;
- The Capital Investment Strategy – its vision for capital planning is based on the themes within the Single Midlothian Plan, one of which is "Sustainable Growth". Under this theme, the Capital Investment Strategy includes various environmental objectives, such as promoting low and zero-carbon technologies.

3.17 Priorities for climate change governance, management and strategy for 2019/20 are as follows:
- To finalise and then seek management and Cabinet approval of the draft Climate Change Strategy and Climate Change Action Programme;
- To re-instate the Carbon Management Board to oversee the preparation of a new Carbon Management Plan which will be reviewed at regular intervals and align with the timeframe of the new Strategy;
- To re-instate the Climate Change and Sustainable Development Group, alongside a review of its composition, remit and meeting schedule;
- To develop an online staff training module on the Council's work on climate change and ways that staff can change their behaviour to reduce their contribution to it;
- To review and update the Council's web site, staff Intranet and social media accounts to ensure the currency of climate change content and validity of external web links.

PART 3: CORPORATE EMISSIONS, TARGETS AND PROJECTS

Emissions and Targets

3.18 Estate/operational emissions for the purposes of the submission are those arising from the use of mains electricity, mains (i.e. natural) gas, mains water, heating and fuel oils, diesel and petrol. Table 3b of the submission breaks these down for the report year. Table 3a of the submission shows that estate/operational emissions are estimated to be equivalent to just over 16,000 tonnes of carbon dioxide.

3.19   Comparisons of emissions in different reporting years are somewhat hindered due to different sources being considered in different years. For example previous submissions have included those arising from commuting and staff use of private motor vehicles and excluded emissions associated with stair lighting, door entry systems and Christmas/festive lighting. However, the data in the 2018/19 report in this respect is generally comparable to that from 2017/18 and it shows a fall in emissions of 27% between the two years. Despite the above caveat, it is also apparent that this is the continuation of a pattern that has been taking place since at least 2006/07.

3.20   A major factor in the declining extent of the Council's carbon footprint is the continued decarbonisation of grid electricity. 0.49kg of CO_2 equivalent was emitted per kWh of electricity generated in 2014/15, but in 2018/19 this figure was 0.28kg of CO_2e/kWh, equating to a fall of 43%. It implies that a large part of the reduction in emissions from Council activities is not down to its own efforts, but is coincidental: in other words that the increased generation of renewable energy in Scotland is the driver.

3.21   Despite this observation, it should be recognised that considerable efforts *are* being made by the Council to directly reduce its own emissions. These include:
   - The increased use of electric vehicles – the Council now has 21 of these (3 owned and 18 leased);
   - The replacement of 911 street lights with LED lanterns (which use five times less energy) during 2018/19 compared to a target of 700.
   - The implementation of various projects across the Council estate to reduce electricity and gas consumption, which saved an estimated 400 tonnes of CO_2 during the year.

3.22   The 2018/19 submission also reports an increase in the amount of renewable electricity generated by the Council compared to previous years. This is due to output from the photovoltaic system at Roslin Primary School being included during the reporting year (in addition to installations at Gore Glen and Bilston Primary Schools). The Council generated just under 18,000kWh of green electricity in 2018/19, which, for comparison, is approximately equivalent to the annual power use by Danderhall or Newtongrange libraries.

3.23   The release of around 350tCO_2e was also avoided due to changes in the extent and operation of the Council's estate, further contributing to a fall in its carbon footprint. Some increased energy consumption was seen across its building portfolio owing to 2018/19 being the first full reporting year that the Newbattle Community Campus and the Loanhead Centre were open and the construction of several modular units on the Council's educational facilities. However, these were offset by events such as the demolition of Paradykes Primary School and Nursery, Newbattle High School and Nursery, Mayfield Leisure Centre and Newbattle Pool.

PART 4: ADAPTATION

3.24   This part sets out how the Council has assessed current and future climate-related risks, arrangements for managing them and adaptation actions. It references the role of the Midlothian Local Development Plan 2017 and its Strategic Flood Risk Assessment as well as the Forth Estuary Local Flood Risk Management Plan in determining future climate risks (specifically flooding). The latter also assists in managing and adapting to such risks alongside internal Council documents which include the Severe Weather Plan and Winter Service Policy and Operational Plan. The submission also notes the role of the Midlothian Green Network Supplementary Guidance in enabling the natural environment to contribute to climate change mitigation and adaptation, for example in ensuring habitat connectivity to allow the movement of species.

3.25   Part 4 of the submission also requires public bodies to demonstrate progress in delivering the goals within the Scottish Climate Change Adaptation Programme. To this end, the Forth Estuary Local Flood Risk Management Plan, The Midlothian Green Network Supplementary Guidance and the Local Biodiversity Action Plan are assisting in maintaining the climate-readiness of the natural environment. These and the Midlothian Local Development Plan ensure the consideration of climate change impacts in reaching planning decisions. Meetings between the Council's Planning Team and a representative of the Roads Service with Scottish Water, SEPA and Scottish Natural Heritage are listed against another outcome of the Scottish Government's Adaptation Programme, namely the importance of having climate-ready buildings and infrastructure. The Council's desire to apply the Energy Efficiency Standard for Social Housing is also referred to in this portion of the submission.

PART 5: PROCUREMENT

3.26   This part sets out how procurement policies and activity have contributed to compliance with climate change duties. It notes the prominence within the Procurement Strategy of considering environmental matters when buying goods and services and that tender processes use the European Single Procurement Document, which includes standard question sets on environmental compliance and policy to help ensure that tenderers have an appropriate history and overall approach to environmental considerations. This section of the submission also refers readers on to relevant pages of the Public Contracts Scotland website where they can inspect the practical application of these principles.

3.27   Table 1a of this part of the submission shows that the Midlothian area's per capita level of greenhouse gas emissions (those emissions considered by the UK Government to be at least influencable by the Council) have reduced from 6.47 tonnes CO_2 in 2006 to 4.68 tonnes in 2016 (the latest year for which an official figure is available). This equates to a reduction of 28%. The table also shows that the Midlothian area's total emissions have fallen from 528,000 tCO_{2e} in 2008 to 414,000 tCO_{2e} in 2016. The transport sector accounts for the largest share of this figure and emissions from this source have fallen less than the industry/commerce and domestic sectors over the same period.

3.28   Table 5 sets out key actions related to area-wide climate change activities that are not readily amenable for inclusion elsewhere within the submission. These have been informed by work in compiling a "Climate Change Audit", or list of projects and strategies that the Council does to promote pro-environmental goals. Examples provided include the funding of the Midlothian Ranger Service (to support habitats and biodiversity), investment in energy efficiency and renewable energy projects using Salix funding, activities of the Waste Awareness Team (which assists in reducing landfill emissions) and various active travel initiatives.

4   Report Implications

Resource

4.1   Previous reporting to the Corporate Management Team noted that the Council's services were not adequately resourced to fulfil the requirements of the Climate Change (Scotland) Act. This was highlighted in a report by Internal Audit from April 2018 which noted that governance arrangements – specifically the Carbon Management Board and Climate Change & Sustainable Development Group – were not being put into practice. The resourcing of these groups and cascading of information from them is integral to the effective completion of future submissions, as a dedicated section of the report on these topics is required.

4.2   Similarly, the full completion of other portions of the pro-forma depends on the resourcing of key departments whose work requires to be reported on within it, particularly Planning and Estates. Collaboration between these teams (and other relevant services and posts), and the communication of the need for this collaboration, is also essential in providing the fullest possible response to the Scottish Government and to avoid the risks noted in paragraphs 4.3 and 4.4 below.

Risk

4.3   Under the Climate Change (Scotland) Act, Scottish Ministers may instruct investigations into compliance. The Scottish Government intends to assess reports on compliance to monitor progress and their guidance states that responsibility for compliance with the public bodies' climate change duties and reporting rest with the reporting organisation, which will run the risk of legal challenge or reputational damage if compliance cannot be demonstrated. It should be noted that earlier in 2019, a group of environmental lawyers wrote to 100 local authorities in England to warn them of the risk of legal action should they not adequately address their obligations in relation to planning for climate change.

4.4   The reporting requirements for the submissions from public bodies are gradually becoming more stringent each year. For example, this year's note that "it is untenable for a public body not to have some form of [carbon reduction] target set and monitored". This direction of travel implies that any deficiencies in resourcing climate change work within the Council are more likely to be exposed in later years.

Single Midlothian Plan and Business Transformation

4.5   Themes addressed in this report:

☐ Community safety
☐ Adult health, care and housing
☐ Getting it right for every Midlothian child
☐ Improving opportunities in Midlothian
☒ Sustainable growth
☒ Business transformation and Best Value
☐ None of the above

Key Priorities within the Single Midlothian Plan

4.6   The impact of unchecked climate change would be significant, including detrimentally impacting economic growth, increasing the risk to properties and businesses from flooding and extreme weather, higher costs and a lower quality of life. The Low Carbon Scotland – Meeting Our Emissions Reductions Targets 2013 - 2027 (June 2013) report acknowledges that our economy's sustainability is dependent on a low carbon transition. Scotland's Economic Strategy (March 2015) acknowledges that in the decades to come, climate change will continue to be a key challenge that all economies face and will only increase in importance; and that the Scottish economy is well placed to benefit from the development of the low carbon economy.

Impact on Performance and Outcomes

4.7   Climate change was incorporated into the priorities in the Single Midlothian Plan 2018/19 and related Council 2018/19 Service Plans.

Adopting a Preventative Approach

4.8   The Scottish Parliament Finance Committee has identified climate change as a major area of policy where preventative spending could have positive consequences. The impacts of a changing climate are likely to fall hardest on the disadvantaged, for example in terms of higher energy bills and greater vulnerability to flooding.

Involving Communities and Other Stakeholders

4.9   Communities and stakeholders have not been involved in the preparation of the proposed report.

Ensuring Equalities

4.10   No actions with people implications are proposed that would necessitate Equalities Impact Assessment.

IT Issues

4.11   There are no IT issues arising directly from this report.

5   **Recommendations**

It is recommended that Performance Review and Scrutiny Committee note:

(a)   The attached proposed report as this Council's Report on Compliance with the Public Bodies Climate Change Duties for 2018/19;

(b)   That this report had been submitted to Scottish Ministers by 29 November 2019.

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Background Papers: Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2018/19