

Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20

Report by Derek Oliver Chief Officer Place

Report for Decision

1 Recommendations

It is recommended that Cabinet:

- (a) approves the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2019/20; and
- (b) agrees to the submission of the report to Scottish Ministers by 30 November 2020.

2 Purpose of Report

The purpose of this report is to inform Cabinet of the Council's statement of compliance with its statutory climate change reporting duties for 2019/20, 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 30 November 2020.

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Report Contact:

Richard Lamond, Research & Information Officer (Planning Service)
richard.lamond@midlothian.gov.uk

3 Background

- 3.1 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.
- 3.2. 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.
- 3.3 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.
- 3.4 The format of, and information to be supplied in the annual report is prescribed by legislation. Public bodies have traditionally reported by completing an extensive online pro-forma which forms part of a national database. The Scottish Government have taken over the administration of the reporting from the organisation they previously outsourced it to and in the absence of an online reporting platform this year, they have indicated that replicating its template from last year is acceptable. A copy of the Council's proposed submission (using the established template format) is available in the CMIS Member's Library. Section 4 of this report provides a summary of the submission.
- 3.5 The section of the report entitled 'Recommended Reporting - 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 section. From the 2018/19 report onwards, this section has been more populated than it was in the earlier reporting years.

4 Summary of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20

- 4.1 This section provides a summary of and explanatory notes in respect of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20 (hereafter referred to as the 'submission').
- 4.2 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.

STATUTORILY REQUIRED SECTION

PART 1: PROFILE OF REPORTING BODY

- 4.3 During the report year, the Council employed 3,746 full-time equivalent staff and its revised budget was £206,518,000.
- 4.4 According to the latest population estimates from National Records of Scotland (NRS), which are from mid-2019, Midlothian Council provided local authority services during the report year to a population of 92,460. This was an increase of 1.2% on the mid-2018 estimate; the joint-highest percentage increase of all Scottish local authorities over the period. From mid-2009 to mid-2019, Midlothian has experienced the second highest such population increase in Scotland at 12.9%, behind the City of Edinburgh at 13.3% and considerably higher than the next highest increase of 8.9% in East Lothian. Between now and 2028, NRS project that the population of Midlothian will grow to 104,000, which amounts to an increase of 13.8%. This compares to an equivalent Scotland-wide figure of 1.8% and is the greatest expected increase of any local authority nationwide. These figures indicate the scale of growth locally and the attendant challenges and opportunities faced by the Council in addressing climate change.
- 4.5 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 approval in autumn 2019 by the Scottish Parliament of more ambitious emissions reductions targets and the climate emergency declarations by the Scottish Government and UK Parliament, as well as Midlothian Council itself in late 2019 (approving a target of net zero carbon by 2030). Midlothian Council approved a Climate Change Strategy and Action Plan at its meeting in August 2020 – however is outwith the 2019-20 reporting period.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

- 4.6 Political leadership in respect of and responsibility for the Council's climate change actions lies with its Cabinet. In previous years, a cross-divisional Climate Change & Sustainable Development Group of officers reported to the Corporate Management Team 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 information.
- 4.7 While the Climate Change & Sustainable Development group did not meet in the reporting year, a review of the Council's Climate Change Strategy was progressed during this time. It was presented to the Council meeting of 25 of August 2020 and proposed the creation of a Climate Change Board. This would oversee and co-ordinate the Council's day to day activity on climate change matters including the preparation and review of the Strategy and a Carbon Management Plan, implementing an action plan and ensuring compliance with the statutory annual PBCCD Annual Report requirements. The board would be supported by a cross service Climate Change Working Group (composed of climate change champions from across the Council).
- 4.8 The Council's Planning team manager 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. The PBCCD reports are completed by the Planning Team (with input from other Council services) who also compiles a list of pro-environmental and carbon reduction activities that the Council is currently undertaking (in the form of a Climate Change Audit).
- 4.9 The Property & Facilities Management Service previously prepared two Carbon Management Plans (CMPs), however the second expired in 2016 and since then a carbon reduction target has been included in their annual Service Plan. The revised Climate Change Strategy proposes that they produce a fresh CMP to be reviewed by the new Climate Change Board at regular intervals and align with the timeframe of the new Strategy.
- 4.10 Other important contributors in relation to climate change activity within Properties & Facilities Management include:
- An Energy Officer, who is a key contributor to the PBCCD reports providing data on electricity and fuel consumption and generation. More generally, their work also involves monitoring energy consumption within the Council's estate;
 - Project Managers who work on various energy efficiency schemes across the Council Estate. These include those under the Non-Domestic Energy Efficiency Framework, Post-Occupancy Energy Benchmarking Reviews of new-build schools and the procurement of an energy partner for the Council's ambitious future emissions reduction and renewables projects; and

- A Planned Maintenance Manager, whose work includes managing an energy efficiency scheme to help reduce carbon emissions and tackle fuel poverty (the Energy Company Obligation).
- 4.11 Staff with important roles for climate change activities that are located in the Council's Commercial Operations Service include:
- An Active Travel Officer - promoting cycling and walking across the county;
 - An Active Travel Officer for Schools - promoting increased use of active travel to schools;
 - A School Travel Plan Co-ordinator - encourage healthy and sustainable school travel options; and
 - A Sustainable Transport Project Officer - ensuring that the Council has a strategy to meet the Scottish Government's 2025 target of no combustion engine vehicles within public fleets.
- 4.12 In completing the submission, Councils are required to identify specific climate change mitigation and adaptation objectives in its corporate plan or similar documents. The following objectives have been agreed:
- The Council's Climate Emergency Declaration of December 2019 set the target of the Council's activities being net-zero carbon by 2030 – a Climate Change Strategy and Action Plan to achieve this target was approved by Council in August 2020;
 - The Single Midlothian Plan 2020/21, which aligns with the goal of the Council's Climate Emergency Declaration, aims to ensure that “environmental limits are better respected, especially in relation to waste, transport, climate change and biodiversity”; and
 - The Council's Capital Investment Strategy includes objectives to promote low and zero-carbon technologies.
- 4.13 In addition to listing these primary documents through which the Council pursues its climate change objectives, the submission further requires the identification of numerous other supplementary corporate documents and strategies that cover more specific areas of climate change, such as adaptation, energy efficiency, transport and biodiversity. Those referred to in the submission include:
- Council service plans where they include goals such as the increased generation of green energy from the Council's estate or greater use of low emissions vehicles within its fleet;
 - The Midlothian Active Travel Strategy, whose objectives and accompanying action plan are geared towards increasing walking and cycling and therefore reducing motorised transport and the greenhouse gas emissions associated with it;
 - The Midlothian Local Development Plan, which includes numerous policies that support the sustainable development of land and the adoption of renewable and low carbon heating systems; and
 - The Council's Procurement Strategy, which has 'environmental benefits' as one of its five strategic themes and refers to the importance of the 'Sustainable Procurement Duty' in relation to climate change.

- 4.14 Various priorities for climate change governance, management and strategy are proposed in part 2 of the submission. These are primarily built around the Council's new Climate Change Strategy and are:
- To get management and Council approval of the draft Climate Change Strategy and its targets (as contained in its action plan)¹;
 - Accelerating organisational change to extend home working to reduce work-related travel and therefore the emissions associated with it;
 - Agree the composition, remits and meeting schedules of the new Climate Change Board and Working Group;
 - Prepare a new Carbon Management Plan; and
 - 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.

PART 3: EMISSIONS, TARGETS & PROJECTS

- 4.15 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 3a of the submission shows that estate/operational emissions are estimated to be equivalent to just under 15,000 tonnes of carbon dioxide. Table 3b of the submission breaks these down into their components for the report year.
- 4.16 Comparisons of emissions across 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 but have excluded emissions associated with power for stair lighting, door entry systems and Christmas/festive lighting. However, the data in the 2019/20 report in this respect is generally comparable to that from 2018/19 and it shows a fall in emissions of 8% 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.
- 4.17 A major factor in the declining extent of the Council's carbon footprint is the continued decarbonisation of grid electricity. 0.49kg of CO₂ equivalent was emitted per kWh of electricity generated in 2014/15, but in 2019/20 this figure was 0.26kg of CO₂e/kWh, equating to a fall of 47%. 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.

¹ This has since been achieved, as the Strategy was presented to the Council's meeting of the 25th of August 2020. However it is included in the submission as it deals with the 2019/20 financial year, during which the Strategy was drafted and consulted on.

- 4.18 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 – as of August 2020, the Council has 18 of these (7 owned and 11 leased);
 - The replacement of 959 street lights with LED lanterns (which use five times less energy) during 2019/20 compared to a target of 700; and
 - The implementation of various projects across the Council estate to reduce electricity and gas consumption, which saved an estimated 55 tonnes of CO₂ during the year.
- 4.19 The 2019/20 submission also reports a dramatic increase in the amount of renewable electricity generated by the Council compared to previous years. This is due to output from the solar photovoltaic systems mainly across Midlothian's schools, many of which have been newly installed since the last PBCCD report. In 2018/19 these systems generated around 18,000kWh of green electricity, whereas in 2019/20 they generated around 110,000kWh (a greater than five-fold increase). For comparison, the amount of solar electricity generated by the Council in 2019/20 is equivalent to the annual power used by Bilston Primary School or Stobhill Primary School.
- 4.20 The release of around 8tCO₂e was avoided in 2019/20 due to changes in the extent and operation of the Council's estate, further contributing to a reduction in its carbon footprint. There was a fall of 12tCO₂e when taking into account building refurbishments and extensions, but an increase of 4tCO₂e in emissions resulting from service changes (primarily increased student numbers in education facilities).
- 4.21 It is worthwhile remembering that the reduction in the Council's carbon footprint in recent years has taken place against a background of population growth in the area. Even though, as mentioned in paragraph 4.17 above, this is partly due to actions taken by others, it nevertheless implies that the Council has still built on rather than undermined these gains and is providing services with a greater carbon efficiency per resident year-on-year.

PART 4: ADAPTATION

- 4.22 This part of the submission 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 for the movement of species.

- 4.23 Current and future climate-related risks are also covered by the Midlothian Community Planning Partnership Strategic Assessment 2019. Its aim is to provide an insight into the main issues that present a threat or risk to the communities within Midlothian. It does this using 'PESTEL'² analysis. Environmental issues such as climate change are examined as part of this process. For example, it discusses the ongoing implications for the Council of the Climate Change (Scotland) Act 2009 and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 4.24 Part 4 of the submission also requires public bodies to demonstrate progress in delivering the goals of 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 strategies 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, the Scottish Environment Protection Agency 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

- 4.25 This part sets out how procurement policies and activities have contributed to compliance with climate change duties.
- 4.26 This part of the submission 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, for example in relation to the construction of the new Easthouses Primary School and a Contract Notice for the provision of disposal and/or treatment capacity for residual waste.

² 'PESTEL' – Political, Economic, Sociological, Technological, Environmental and Legislative.

RECOMMENDED REPORTING (NON-STATUTORY) PART: WIDER INFLUENCE

- 4.27 Table 1a of this part of the submission shows that the Midlothian's per capita level of greenhouse gas emissions (those emissions considered by the UK Government to be at least influenced by the Council) have reduced from 6.4 tonnes CO₂ in 2008 to 4.3 tonnes in 2018 (the latest year for which an official figure is available). This equates to a reduction of 33%. The table also shows that the Midlothian's total emissions have fallen from 520,000 tCO_{2e} in 2008 to 390,000 tCO_{2e} in 2018. The transport sector accounts for the largest share of this figure and emissions from this source have not fallen over that timescale while large reductions have been seen in the industrial/commerce and domestic sectors over the same period.
- 4.28 Under 'Other Notable Reporting Activity', table 5 sets out key actions related to area-wide climate change actions that are not readily amenable for inclusion elsewhere within the submission. These have been informed by work in compiling a 'Climate Change Audit' - a list of projects and strategies that the Council is doing 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 assist in reducing landfill emissions) and various active travel initiatives.

5 Report Implications (Resource, Digital, Risk and Equalities)

Resource

- 5.1 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. Implementing the actions contained within the Council's new Climate Change Strategy³, particularly the creation of a new Climate Change Board and Working Group, will seek to address these issues. The resourcing of these groups and the 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.
- 5.2 Similarly, the full completion of other portions of the pro-forma relies on the continued and consistent collaboration of managers and teams across the Council's services to support the work of the Climate

³ As presented to the Council meeting of the 25 August 2020.

Change Board and to ensure compliance with our statutory duties and avoid the risks noted in paragraphs 5.4 and 5.5 below.

Digital

- 5.3 None.

Risk

- 5.4 Under the Climate Change (Scotland) Act, Scottish Ministers may instruct investigations into PBCCD reports. The Scottish Government may assess them in relation to their compliance to monitor progress and their guidance conveys the message that responsibility for compliance with the public bodies' climate change duties rests with the reporting organisation, which will run the risk of legal challenge or reputational damage if this cannot be demonstrated. It should be noted that 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 climate change.
- 5.5 The reporting requirements for public bodies have become more stringent over recent years. For example, the 2018/19 guidance stated 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 become apparent in future.
- 5.6 These risks can be minimised through the continued provision of the officer posts named in this document (e.g. in paragraphs 4.10 and 4.11) and the provision of additional resources as approved as part of the Council's Climate Change Strategy, the means noted in paragraph 5.2 and the implementation of the Council's new Climate Change Strategy.

Ensuring Equalities

- 5.7 Not applicable. The people implications of this report relate to minor aspects of the working practices of a limited number of staff and are primarily dealt with in relation to the Council's new Climate Change Strategy.

Additional Report Implications

- 5.8 For additional report implications see Appendix A.

Appendices

Appendix A – Additional Report Implications

Appendix B – Background Papers/Resource Links

APPENDIX A – Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to reducing the impact of climate change as a key priority under the Single Midlothian Plan.

The recommendations of this report will assist in reporting on progress towards this goal.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☒ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious

A.4 Delivering Best Value

The PBCCD submission has been expanded in recent years to provide a more thorough account of activities that the Council has been doing in relation to climate change. This has mainly been done through the use of information within existing department Service Plans and Performance Reports, ensuring that this expansion in the content of the submissions has been done in a manner which is efficient for staff. It has not involved the use of additional financial or equipment resources.

A.5 Involving Communities and Other Stakeholders

Not applicable – producing the PBCCD submission is an internal Council process.

A.6 Impact on Performance and Outcomes

The submission of the report will demonstrate compliance with climate change legislation. The comprehensive nature of the submission demonstrates commitment to go beyond the minimum requirements in this regard.

A.7 Adopting a Preventative Approach

The timely and thorough completion of the PBCCD submission reduces the likelihood of legal challenge or investigations into the Council regarding non-compliance with the requirements of climate change legislation. The participation of Council staff in making future submissions as comprehensive as possible is necessary in maintaining this position.

A.8 Supporting Sustainable Development

This report only concerns sustainable development in that it reports on what the Council is doing to promote it.

APPENDIX B – Background Papers/Resource Links

Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20 – CMIS Library