

Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2020/21

Report by Chief Officer Place

Report for Decision

1 Recommendations

1.1 It is recommended that Cabinet:

- (a) approves the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2020/21; and
- (b) agrees to the submission of the report to Scottish Ministers by 30 November 2021.

2 Purpose of Report

2.1 The purpose of this report is to inform Cabinet of the Council's statement of compliance with its statutory climate change reporting duties for 2020/21, 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 2021.

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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 meet 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 Scottish Government voted in 2019 to strengthen the Act's 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 supplied in the annual report is prescribed by legislation. Public bodies have traditionally completed an extensive pro-forma which forms part of a national database. The Sustainable Scotland Network (SSN) manage this on behalf of the Scottish Government. A copy of the Council's proposed submission is available in the CMIS Member's Library. Note that the presentation in this has been adapted from the exact proposed template return to SSN due to that spreadsheet pro-forma not being conveniently presentable for discussion at this Cabinet meeting. The version in the CMIS Member's Library is nevertheless an accurate representation of both the substance and spirit contained in the proposed return. Section 4 of this report provides a summary of it.
- 3.5 The sections of the report entitled 'Recommended Reporting: Reporting on Wider Influence' and 'Other Notable Reporting Activity' are non-statutory and often relate to activity and emissions beyond the Council's estate and operational activities (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, so that it now provides more details on the breadth of work that the Council is doing in this area.

4 Summary of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2020/21

- 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 2020/21 (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 3,824 full-time equivalent staff and its revised budget was £226,512,000.
- 4.4 According to the latest (mid-2020) official population estimates from National Records of Scotland (NRS), Midlothian Council provided services during the report year to a population of 93,150. From mid-2010 to mid-2020, Midlothian experienced the highest population increase in Scotland at 13.1%, ahead of the City of Edinburgh at 12.3% and considerably more than the next highest increase of 8.8% in East Lothian. Between now and 2028, NRS project that the population of Midlothian will increase by 13.8% (to 104,000). This compares to an equivalent Scotland-wide figure of 1.8%. 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 the most challenging period of the ongoing Coronavirus Pandemic, which resulted in large-scale changes to service provision and working practices within the Council. Coupled with increasing service demands and customer expectations this has intensified the challenge of addressing climate change, particularly when the background of these circumstances are higher expectations for emissions reductions. These include 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 2019 (adopting a target of net zero carbon by 2030). The Council also approved a Climate Change Strategy and Action Plan during the reporting year, at its meeting in August 2020. The 26th meeting of the United Nations Climate Conference will take place this November, in Glasgow, which may bring further scrutiny of the progress that public bodies are doing to mitigate and adapt to climate change.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

- 4.6 Council political leadership in respect of climate change lies with its Cabinet. Management and staff follow their directions in relation to mitigation and adaptation and previously this was channelled via:
- The cross-divisional Climate Change & Sustainable Development Group, chaired by the head of the Planning service; and
 - The Carbon Management Board, comprising Directors and the head of the Property & Facilities Management service (who also previously produced two Carbon Management Plans).
- 4.7 The Council's climate emergency motion of December 2019 became a new driver for its climate change response. It led to the creation of a new Climate Change Strategy and influenced the content of Midlothian's Covid-19 Route Map & Recovery Plan. These developments mean that the governance arrangements outlined in paragraph 4.6 above are set to be superseded by the introduction of a new Carbon Neutral by 2030 board to fulfil the actions in the Strategy and the climate-related goals within the Route Map. It is intended that this new Board will meet regularly, involve representation from Community Planning Partners, report to the Council's Business Transformation Board and will comprise senior and service-level management from teams that have a particular role in reducing the Council's carbon footprint. The Board shall be established in 2022.
- 4.8 The Council's climate emergency motion also has the aim of working towards making the entire area zero carbon by 2030. This was incorporated into the previous Single Midlothian Plan, which sought to establish a Climate Emergency Group to facilitate a response. It influences the Council's activities as several of its participants are Council employees and the group has input to the new Single Midlothian Plan, which now includes several climate emergency actions as a result. Its content helps shape Council Service Plans.
- 4.9 Governance of climate change matters can also come from the Council's Performance Review and Scrutiny Committee (PRSC). Cabinet has previously referred the Council's Public Bodies Climate Change Duties (PBCCD) report to the PRSC for evaluation.
- 4.10 While emissions reduction is a Council-wide priority, much of this activity is embedded within services in the Place Directorate, including:
- From Planning, Sustainable Growth and Investment – staff drafting the Council's new Climate Change Strategy and completing the annual PBCCD submission;
 - From Property & Facilities – staff who monitor power/fuel use and take forward emissions reductions projects, including as part of the Council's Energy Services Company;
 - From Neighbourhood Services – replacing street lights with low-energy LEDs and promoting sustainable and active travel; and

- From Building Services - delivering the Energy Efficient Standard for Social Housing (Passivhaus standard).
- 4.11 In the submission, Councils must identify specific climate change mitigation and adaptation objectives in its corporate plans. Those listed are:
- The Climate Emergency Declaration of December 2019 and the new Climate Change Strategy that was created in response to it;
 - The Single Midlothian Plan 2021/22, which aligns with the goal of the Declaration and has four overall priorities, one of which is 'reducing carbon emissions in Midlothian to net zero by 2030';
 - The Council's Capital Investment Strategy, as it includes objectives to promote low and zero-carbon technologies; and
 - Midlothian's Covid-19 Route Map & Recovery Plan, which promotes less carbon intensive work practices including 'digital by default'.
- 4.12 The submission requires the identification of other corporate documents and strategies that cover more specific areas of climate change work, such as adaptation, energy efficiency, transport and biodiversity. Those referred to include the Midlothian Active Travel Strategy, the Midlothian Local Development Plan and The Council's Procurement Strategy.
- 4.13 Part 2 of the submission concludes with various proposed priorities for climate change governance, management and strategy for the year ahead, followed by the results of the 'Climate Change Assessment Tool'. The latter describes the use of a spreadsheet designed to assess how a body is performing in relation to its climate change obligations. This is the first year that the Tool has been used, meeting a recommendation of the new Climate Change Strategy. It provides a numerical rating, which is 47 out of 122. This highlights the scale of the challenge facing the Council in this area.

PART 3: EMISSIONS, TARGETS & PROJECTS

- 4.14 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 for 2020/21 were estimated to be just under 16,000 tonnes of carbon dioxide equivalent (tCO_{2e}). We can see that total emissions are nearly identical to those from 2019/20. The wider trend is one of a substantial decrease, since at least 2006/07 (just under 25,000tCO_{2e}). Table 3b of the submission breaks overall emissions down into their component parts.
- 4.15 'Scope 1' emissions within tables 3a and 3b of the submission are those arising from the direct use (burning) of primary fuels by the Council. These increased by 317tCO_{2e} due to a 5% rise in consumption of natural gas over last year. This is partly due to the new St. Mary's/Burnbrae Primary School in Bonnyrigg and supplying the

new build Danderhall Primary School, but generally is more likely to be due to weather and energy use behaviours in those premises. There were also an extra 40tCO₂e emitted this year due to the additional use of gas oil within Moorfoot and Tynewater Primary Schools and in Vogrie House. This is notable as although it is only used in a handful of buildings, gas oil is a relatively carbon intensive fuel. These increases were partly mitigated by a fall of 6% in the volume of fuel used by the Council's fleet. This led to emissions from this source falling by 143tCO₂e compared to 2019/20.

- 4.16 Reduced electricity use in buildings (and, importantly, the continued decarbonisation of electricity nationally) meant that emissions from this source fell by 24%, or 916tCO₂e. Since the carbon footprint also includes emissions resulting from losses in the transmission of electricity used by the Council, curtailed power consumption in its estate also led to a further fall 75tCO₂e. This was partially offset by more power being used for streetlighting, which led to a 12% (140 tCO₂e) increase in emissions from this source. This is a result of new development taking place across the area requiring street lighting. The increase is reduced by the Council's considerable efforts to make streetlighting more energy efficient.
- 4.17 Emissions resulting from Council employees working from home were calculated at 575tCO₂e. This is based on an estimate of 50% of workers doing their job from home (the accuracy of which could be improved by recording this in more detail moving forward). This is the first time that organisations have been asked to provide an estimate of their employee's emissions in the PBCCD submission. It implies that, using this methodology at least, organisations remain responsible for the carbon footprint of their employees work activities, wherever they are located. It should be stated though that such a methodology does not factor in the emissions which have been avoided through employees not having to travel to and from work, which are likely to be substantial.
- 4.18 The submission also reports that 104,000kWh of renewable electricity was generated by the solar photovoltaic systems installed on the Council's estate. This avoided the release of 24tCO₂e in grid electricity being imported.
- 4.19 It is important to consider the Council's emissions in the context of demographic trends. In 2014/15 for example, its carbon footprint was 23,500tCO₂e and Midlothian's population was 86,500. The respective figures for 2020/21 were 16,000tCO₂e and 94,500. This means that the carbon efficiency with which it has delivered its services over this time has improved dramatically, from 0.27tCO₂e annually per resident to 0.17tCO₂e – an improvement of 37%.
- 4.20 Another way of expressing the Council's carbon footprint would be to relate it to the size of its workforce. In 2014/15 this was 3,350, compared to around 3,800 in 2020/21. This means that the carbon

footprint of its staff has reduced from 7.0tCO_{2e} per employee per year to 4.2 tCO_{2e} per employee per year at present.

PART 4: ADAPTATION

- 4.21 This part of the submission sets out how the Council has assessed 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 risks (specifically flooding). The latter also assists in managing and adapting to such risks alongside internal Council plans 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.
- 4.22 Current and future climate-related risks are also covered by the Midlothian Community Planning Partnership Strategic Assessment (2019). It exposes risks to Midlothian's communities using 'PESTEL'¹ 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.
- 4.23 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 Neighbourhood Services with Scottish Water, the Scottish Environment Protection Agency (SEPA) and NatureScot are listed against another outcome of the Scottish Government's Adaptation Programme, namely the importance of having climate-ready buildings and infrastructure². The Council's desire to apply the 'Passivhaus' Energy Efficiency Standard for Social Housing is also referred to in this portion of the submission.

¹ 'PESTEL' – Political, Economic, Sociological, Technological, Environmental and Legislative.

² These meetings were partly interrupted by the Coronavirus pandemic and the cyber attack experienced by SEPA. The regular schedule is planned to resume as soon as possible.

PART 5: PROCUREMENT

- 4.24 The final mandatory part of the submission (other than validation and sign off information) sets out how procurement policies and activities contribute to compliance with climate change duties. It notes that environmental matters are addressed prominently within the Council's Procurement Strategy. It has five strategic themes to promote ethical standards, including staff in this area working to secure environmental benefits. In practical terms this may involve considering sustainability factors where appropriate in supplier selection and tender evaluation, and taking a whole lifecycle approach to costs. This section of the submission also refers readers onto relevant pages of the Public Contracts Scotland website where they can inspect the practical application of these principles, for example in relation to new Council social housing projects.
- 4.25 Achieving these goals has been assisted by the adoption in 2021 of a new Local Procurement Strategy which will see the Council use its spend to actively encourage a growing, diverse and resilient local business base, to support its Carbon Neutral by 2030 ambitions. Procurement staff worked alongside the colleagues from Economic Development in 2021 to progress this, including to launch the Midlothian Business Carbon Charter. It supports businesses to operate in environmentally friendly ways, for example by signposting information, expert advice from partner agencies and funds to facilitate energy efficiencies. Those adopting it will therefore be in a better position to comply with the Council's expectations.

RECOMMENDED REPORTING (NON-STATUTORY) PARTS

- 4.26 Table 1a of this part of the submission shows that Midlothian's per capita level of greenhouse gas emissions (those considered by the UK Government to be at least influenced by the Council) have reduced from 6.4tCO_{2e} in 2008 to 4.0tCO_{2e} in 2019 (the latest year for which an official figure is available). This equates to a reduction of 37.5%. The table also shows that the Midlothian's total emissions have fallen from 520,000tCO_{2e} in 2008 to 373,000tCO_{2e} in 2019. Most sectors have seen substantial falls over this timescale. Reductions in emissions from transport however, one of the largest contributors to emissions, have been modest. This implies that continued work in this area is required, such as the roll-out of electric vehicle charging infrastructure and the continued promotion of active travel over motorised alternatives.
- 4.27 Under 'Other Notable Reporting Activity', table Q5 sets out climate change actions that are not readily amenable for inclusion elsewhere within the submission. 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 (Government funding to the public sector), activities of the Waste Awareness Team and various active travel initiatives.

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

Resource

- 5.1 Previous reporting to management noted that the Council's services were not adequately resourced to fulfil the requirements of the Climate Change (Scotland) Act. This was highlighted by an Internal Audit report in 2018 which noted that governance arrangements – specifically the Carbon Management Board and Climate Change & Sustainable Development Group – were not being put into practice. The results of the Climate Change Assessment Tool (see paragraph 4.13) suggest that the Council's work in this area needs to be strengthened. Implementing the actions within the Council's Climate Change Strategy, particularly the inception of the Carbon Neutral by 2030 Board and the recruitment of a Climate Change Officer to assist in co-ordinating the response in this area would help address this. The resourcing of this group and post, and the cascading of information from them is integral future PBCCD submissions.
- 5.2 Similarly, the full completion of other portions of the pro-forma relies on the collaboration of managers and teams across the Council's services to support the work of the proposed Board and to ensure compliance with our statutory duties and avoid the risks noted in paragraphs 5.4 to 5.6 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 risk legal challenge or reputational damage if this cannot be demonstrated. 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 climate change obligations.
- 5.5 Though the content of the reporting template has remained largely similar over the last few years, expectations for what is included increased substantially prior to that. 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 implies that alterations in what is required in future returns may expose any deficiencies in resourcing of climate change work within the Council.

- 5.6 This year's and past submissions demonstrate the wide range of activities that the Council has done to reduce its emissions. It should be borne in mind however, that part of the reduction in its carbon footprint is due to the decarbonisation of grid electricity, a factor outwith its control and that it is not responsible for. 0.49kg of CO₂ equivalent was emitted per kWh of electricity generated in 2014/15, and in 2020/21 this figure was 0.23kg of CO₂e/kWh, a fall of 53%. This implies that should this trend stagnate, the medium to long term downward trend in the Council's emissions would do likewise. This can be countered by the Council generating more of its own renewable electricity and reducing its overall use. These two actions would yield more direct emissions benefits than the general 'greening' of grid electricity in any case.

Ensuring Equalities

- 5.7 Not applicable. The people implications of this report relate to moderate 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 been done partly 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 as efficient as possible 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 2020/21 – CMIS Library