

Presentation by

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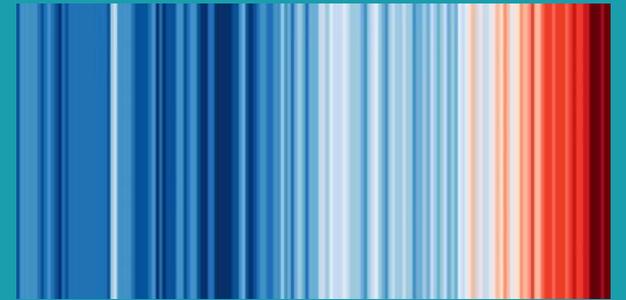
The Changing Role of Local Authorities in Delivering Environmental Protection

Invited Address
Environmental Protection UK
AGM

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**UWE
Bristol**

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of the
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England



Structure of Presentation

- This presentation considers the role of Local Authorities (LA) in providing environmental protection.
- It considers changes in the capability and competency of LAs to deliver environmental protection after a decade or more of austerity and the impact of the pandemic.
- Two examples are used to explore the role of local authorities in delivering environmental protection
 - Managing air pollution and
 - Responding to the climate emergency

Policy and Strategy in Abundance

- Net Zero Strategy
 - Homes and Buildings Strategy
 - Transport Decarbonisation Plan
 - 25 year Environment Plan
 - Levelling Up White Paper
 - 6th Carbon Budget
 - Nature Based Solutions
 - Local Nature Recovery Plans
 - Office for Environmental Protection
 - Environment Act 2021
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- Policy and Strategy in abundance with direct relevance to LAs and their environmental protection functions.

What is Environmental Protection?

- A broad range of activities in Public / Environmental Health Services and Planning domains.
 - Regulation set by Central Government and enforced at the local level.*
 - Local authority initiatives to support regulatory requirements above and beyond enforcement responsibility.
 - Public education/ information activities.
 - Strategic Land Use Planning to set the long term land use processes.
 - Development Control to ensure compliance with the plan.
 - Strategic Transport Planning setting and responding to transport requirements.
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- * Maybe a Single Tier Authority, County Council, District or Combined Authority depending on the function. Responsibilities vary across the four nations of the UK!

New Kid on the Block

- Environment Act, 2021
- New or changed duties and responsibilities for LAs e.g. with regard to biodiversity and amendments to the Clean Air Act, 1993, Environmental Protection Act, 1990 and Environment Act, 1995.
- The Act will “strengthen the local air quality management (LAQM) framework to enable greater cooperation at local level and broaden the range of organisations that play a role in improving local air quality”.
- <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

Another New Kid on the Block

Office for Environmental Protection

- *'Our mission is to protect and improve the environment by holding government and other public bodies to account'*
- OEP, Draft Strategy 2022
- Comment on the draft strategy at
- https://consult.theoep.org.uk/oep/the-oep-strategy-and-enforcement-policy/user_uploads/oep-draft-consultation.pdf

Another New Kid on the Block

- The Environment Act sets out the OEP powers and duties in respect of
 - *Scrutinising Environmental Improvement Plans and Targets*
 - *Scrutinising Environmental Law*
 - *Advising Government on Environmental Law*
 - *Enforcing Against Failure to Comply with Environmental Law*
- <https://www.theoep.org.uk/node/17>

Some Traditional LA Regulatory Functions

- Noise Pollution
- Air Pollution
- Water
- Waste /Litter
- Recycling
- Odour
- Contaminated Land
- Local Planning and Development Control
- Pest Control
- Communicable Disease Control
- Food safety
- Food safety / standards
- Nuisance
- Highways
- Etc etc.

Environmental Protection & Planning

- Planning and Environmental Protection should be at the heart of council services,
 - shaping place,
 - protecting the population from environmental stressors and
 - enhancing sustainability.

- Is that the case today?

Regulation and Enforcement

- To conceive and execute environmental protection responsibilities
Local Authorities require an effective regulatory framework and a well trained and efficient enforcement capability.
- Both must be present to deliver effective environmental protection.

Ability to Act

Local Authorities are

- Not free actors
- Tightly bound to Central Government demands and requirements.
- Frequently reorganised in the name of efficiency.
- Not immune to the great tides of economic and social change sweeping society in recent decades.
- Heavily impacted by the pandemic.

Looking Back in Time

- LAs once had more discretionary opportunities, freedom of action and resource allied to a willingness to seek improvements for the common good.
- Redeveloping urban slums, major municipal house building programmes and implementing the green belt alongside imaginative industrial development strategies to separate housing from noxious industries or major roads all had public health benefits and recognisable environmental gains.
- There are many examples of LA taking the initiative to respond to environmental or public health problems.
- The point is that LAs can be and were proactive in identifying and responding to problems.

Managing Air Pollution

- Over the last 30 years local authorities have been both proactive in anticipating problems and reactive to complaints and concerns about air pollution.
- Through their powers and the deployment of resources LAs have helped improve air quality across the UK space whilst advising the public on protective measures to take to minimise their exposure.
- Using the powers of the Environmental Protection Act, 1990, Clean Air Act, 1993 and the Environment Act, 1995 Local Authorities have discharged management responsibilities for selected industrial sources and conducted reviews and assessments and prepared action plans for local air quality management (LAQM).

LAQM

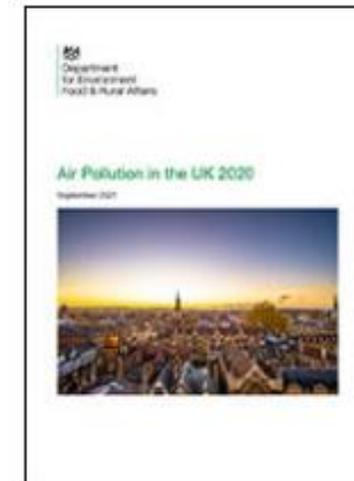
- Despite the good intentions of local authorities the number of AQMAs in the UK has continued to rise with 253 UK Local Authorities (67.5%) of local authorities* having one or more spatially defined areas where national air quality objectives have not been met.
- Whilst LAs are not the responsible party to meet EC Directives many LAs are working under instruction from Defra to develop Clean Air Zones to comply with the requirements of the NO₂ Directive.

* Data from August 2021

Defra (2021)

Air Pollution in the UK 2020

<https://uk-air.defra.gov.uk/library/annualreport/>



How Did This Come About?

- The UK, especially England, is a highly centralised state.
- The devolution of powers is often grudging and limited.
- Many national government environmental schemes for LA implementation are
 - poorly funded,
 - time limited,
 - require competition between LAs,
 - are best described as pilots
 - with little evidence of effective policy development following the pilot.

Why did LAs fail to Deliver Air Quality Management?

- Local authorities were never given the powers to enforce Air Quality Objectives.
- These powers were and are jealously guarded by central government despite subsidiarity being one of the guiding principles of the first Air Quality Strategy. (The United Kingdom National Air Quality Strategy, March 1997, Command 3587)
- Hence, Action Plans were weak and ineffective, rarely bringing forward targeted and achievable measures likely to be effective in addressing problems mostly caused by transport systems.
- Have the lessons of LAQM been applied in the way Clean Air Zones are conceived, executed and access restrictions enforced?

The Impact of Austerity and the Pandemic

- Between 2009/10 and 2014/15 budgets in English Local authorities were cut by 20%.
- Total LA Spending power declined by 29% between 2010-11 and 2020-2021.
- Government funded LA spending power fell by 52.3 % between 2010-11 to 2020-21 (real terms in 2019-20 prices)
- <https://www.nao.org.uk/other/financial-sustainability-of-local-authorities-visualisation-update/>
- According to NAO LAs have £9.7bn of COVID-19 cost pressures and income losses estimated for 2020-21 as reported by local authorities in early December 2020.
- 75% of authorities have a reported 'funding gap' in terms of their forecast pressures and estimated government support
- <https://www.nao.org.uk/wp-content/uploads/2020/08/Local-government-finance-in-the-pandemic.pdf>

Enforcement Action

- Unsurprisingly enforcement action has dropped dramatically in local authorities as budget cuts lead to staff cuts and capacity and capability to act is reduced.
- Enforcement is the necessary adjunct to the regulatory powers at a local authority's disposal.
- Enforcement is a visible sign of intent and a means of changing cultures.
- Without enforcement environmental protection is weakened.

The Future?

- What might the future hold for environmental protection services in local authorities?
- Continuing budget cuts, reduction in staff, reduction in competency and capability?
- New responsibilities and opportunities for environmental protection are emerging.
- Alongside the continuing responsibility for air quality management to reduce the public health impacts arising from exposure to multiple pollutants there is the requirement to respond to the urgency of the climate emergency.

The Long Term Solution

- Meaningful integration of environmental and public health protection into policies and practices for
 - Spatial Planning
 - Economic Development Planning
 - Transport Infrastructure Planning
- The problem is that the beneficial impacts arising from these planning processes are long term whilst the problems of air pollution or the climate emergency are immediate and near term.
- There is a disconnect between the resource inputs and the benefits.
- Then there is the urgency of the climate emergency.

Net Zero Strategy

- *'Not only does local government drive action directly, but it also plays a key role in communicating with, and inspiring action by, local businesses, communities, and civil society. Of all UK emissions, 82% are within the scope of influence of local authorities'.**
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf
- The Strategy indicates that the Government will set clearer expectations on central and local government partnership on climate action but rules out statutory net zero targets for LAs.
- Note that the NZS estimate of 82% is much larger than that estimated by the CCC.
- * Excludes Land Use, Land Use Change and Forestry Sector

LA Opportunities for Climate Action

- LAs regulatory, influencing and exemplifying actions can support initiatives and campaigns such as
 - emission mitigation,
 - demand reduction,
 - electrification,
 - adaptation,
 - sequestration,
 - public information,
 - education.

Local Authority Climate Emergency

- The Climate Change Committee notes that
- *'Local authorities have a range of existing levers that can be used to deliver local action that reduces emissions and prepares local areas to a changing climate.'*
- *'However these levers alone are unlikely to be sufficient to deliver local authorities' Net Zero ambitions, due to gaps in powers, policy and funding barriers, and a lack of capacity and skills at a local level. Additionally, without some level of coordination from Government, the UK risks pursuing a fragmented strategy towards Net Zero.'*
- It further notes that around one third of UK territorial emissions are from sectors which LAs can directly influence or shape through their practices, policy and partnership actions.
- <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>
- <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

Adaptation and Emergency Response

- A critical role for LAs will be in supporting adaptation to a changing climate and managing the impact of high intensity rainfall events, river flooding, sea level rise, storm events with extreme wind speeds and extreme heat events.
- LAs must plan for the consequences of climate change already baked in and prepare emergency responses for these extreme events.

Local Authority Climate Plans

- More than three quarters (300 plus) of LAs have declared a Climate Emergency. Map at <https://www.climateemergency.uk/blog/map-of-local-council-declarations/>
- Climate Emergency UK has developed a scoring system for LA climate action plans
- Eighty four of the UK's 409 local authorities have no published plan, while others have plans of very varying quality and ambition.
<https://www.climateemergency.uk/council-climate-scorecard/>
- All UK councils Climate Action Plans that were published online before 20 September 2021 (and written after 2015) were assessed by a team of over 120 volunteers, trained and overseen by Climate Emergency UK.

Local Authority Climate Plans

- The 28 question assessment asked
 - whether the climate actions are costed;
 - do the actions have a clear goal;
 - are local residents being engaged with climate action;
 - does the Plan include strategies to decarbonise waste, planning, homes and other services that the council is responsible for;
 - does it go beyond cutting the council's own emissions and plan to work with others to cut the whole area's emissions, and
 - does the Plan cover areas such as re-skilling the workforce, climate education, governance and funding for climate action.
- Only 86 councils have an area-wide net-zero target of 2030 or earlier, and 33% of councils had not set a net-zero target of 2050 or earlier.
- <https://www.climateemergency.uk/council-climate-scorecard/>

Top Performers, Poor Performers

- Somerset West and Taunton Council - 92%
 - Manchester City Council - 82%
 - Somerset County Council - 63%
 - West Midlands Combined Authority – 89%
-
- 32 Single Tier authorities scored zero, average score 50%
 - 37 Districts scored zero, average score 43%
 - 3 County Councils scored zero, average score 40%
 - 2 combined authorities scored zero, average score 47%



<https://www.climateemergency.uk/council-climate-scorecard/>

Local Authorities Can Lead

- *'While we understand that councils need much more support and funding from the national Government, and have been stretched by responding to the pandemic, the fact that some councils have developed well thought out, costed and ambitious plans, shows that it is possible.'*
- Climate Emergency UK
- <https://www.climateemergency.uk/council-climate-scorecard/>

Concluding Thoughts

- LA environmental policy and protection will increasingly be exercised through the lens of the climate emergency.
- The scale of this challenge has not been fully recognised by LAs.
- The impacts of the climate emergency will affect, to varying degrees, all of the services provided by LAs.
- Urgent mitigation and adaptation actions are required.
- Are LAs ready for this challenge?

A Continuing Role

- Local Authorities have been instrumental in developing and delivering proactive and reactionary services to protect the environment and public health.
- These actions have a long history and can be seen in some instances as pushing reluctant Governments to act.
- The impact of austerity and the pandemic on LA capacity, capability and willingness to act can not be over estimated.
- Public services to protect the environmental and public health are stretched and enforcement and public awareness / education activities are diminishing.
- Yet, the need for LA action remains as strong as ever particularly in efforts to achieve net zero as quickly and as equitably as possible.
- The Net Zero Strategy promises place based action on carbon mitigation – a role for LAs to grasp.
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf

Thank You

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