**OPEN UNIVERSITY**

**CLIMATE EMERGENCY DECLARATION EAST OF ENGLAND REPORT**

**SEPTEMBER 2023**

**ABBREVIATED REPORT**

**Executive summary** 2

**1. Introduction**  4

1.1 Background to the report 6

1.2 Research methodology 7

**2. Environmental information requests**  9

**3. Key findings** 10

3.1 Climate emergency declarations 10

3.2 Climate action plans and strategies 10

3.3 Extent of the Council’s net zero targets (e.g. scope 1,2 and/or 3) 11

3.4 The achievements the Council's to date to achieve emission reductions 11

3.5 The extent of any interim targets set and the achievements to date 12

3.6 Practical steps taken to achieve targets 12

3.7 Other information 13

**4. Conclusions** 14

**ANNEXES**

1. ELF research terms/briefing 15

2. List of authorities reviewed & responding to EI requests 17

3. Sample EI request letter 18

**EXECUTIVE SUMMARY**

This paper from the Policy Clinic at the Open Justice Centre, reports on a six month research project (November 2022-April 2023) which reviewed and analysed public information relating to climate change and, in particular, the climate emergency declarations (CEDs) made by public authorities since 2019. The research formed part of a national project devised and developed by the Environmental Law Foundation (ELF).

The research is premised on an acceptance that global warming and climate change is happening now and that the problems that flow from this such as increased temperatures, sea level rise and more extreme weather patterns are already with us. It is noteworthy that public bodies are taking action to first acknowledge the climate emergency and then thinking about what action to take to do something about it. The research is premised on the basis that tackling the climate emergency will be most effective by a significant and urgent reduction in carbon dioxide emissions and other greenhouse gases.

The research was carried out in two parts: a desktop analysis of online information available relating to climate change action across the region followed by some qualitative research progressed through environmental information requests of the East England Councils. The information requests sought to clarify the work and efforts made in relation to the climate emergency including the need to rapidly reduce the level of greenhouse gas emissions being produced by society, with a particular focus on land use planning and community involvement.

Key findings of the research include that around 76% of Councils across the East of England have made a climate emergency declaration compared to the average of local authorities across the UK of just over 80%. Further, there was evidence that some of those authorities that had not made a CED were nevertheless taking climate mitigation action. For example Rochford, Broxbourne, Broadland, Brentford and Norwich have not made a climate emergency declaration but all are working towards net zero targets and have taken action to implement this. Only one authority, Castle Point, indicted they had not made a climate emergency declaration nor taken any action as “the councillors were not keen”.

Most local authorities who have made a CED have declared an ambition of being net zero by 2030, and other authorities without a CED have indicated the same amotion). However there also appears to have been a move by some local authorities away from a commitment to net zero by 2030, with alternative targets of 2035, 2040 or 2050 being adopted by some authorities.

Four authorities reduced their overall carbon emissions in the last year of between 5 and 16%, with a further seven authorities providing partial information suggesting carbon emission reductions. Six authorities have interim targets or milestones, and they along with a number of others have detailed plans on how to achieve net zero. However the majority of authorities had no interim targets and / or were still unable to calculate their reductions to assess their readiness to achieve net zero. It is therefore uncertain if real and significant steps are to be secured in carbon reduction so that councils and their localities will be carbon neutral by 2030.

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Policy Clinic, Open Justice Centre

Open University

**1. INTRODUCTION**

* 1. **Background**
1. This report from the Policy Clinic at the Open Justice Centre, Open University is the result of an six-month research project which reviewed and analysed public information available in the East of England elating to climate change and, more specifically, climate emergency declarations (CEDs) made by public authorities. It built upon the work undertaken by the Policy Clinic between 2020-2022 which explored some key components of climate emergency. The outcome of the earlier study found that while there was a lot of good intention, real and significant carbon reduction across the region was low. The research formed part of a national project devised and developed by the Environmental Law Foundation (ELF).
2. The research is premised on an acceptance that global warming and climate change is happening now and that the problems that flow from this such as increased temperatures, sea level rise and more extreme weather patterns are already with us. It is noteworthy that public bodies are taking action to first acknowledge the climate emergency and then thinking about what action to take to do something about it. The research is also premised on the basis that tackling the climate emergency will be most effective by a significant and urgent reduction in carbon dioxide emissions and other greenhouse gases (GHGs).
3. The recent discussion of a ‘climate emergency’ has been evident from around 2016[[1]](#footnote-2). However, climate change has been an international concern since at least 1972 and the UN Conference on the Human Environment which referred to evidence of ‘major and undesirable disturbances to the ecological balance of the biosphere’ and ‘that Governments be mindful of activities in which there is an appreciable risk of effects on climate’. Twenty years later the UN Framework on Climate Change 1992 was published at the time of the Rio Earth Summit. Some 23 years later, the Paris Agreement 2015 was drawn together largely to address the lack of action under the UN Framework Convention on Climate Change. If it is going to be possible for the UK as a nation to achieve net zero carbon dioxide (CO2) emissions by 2050, it is essential that public bodies, including local authorities, take effective action. A good first step is to declare a climate emergency. In May 2019, the UK Parliament made a climate emergency declaration (CED) and around this time many local authorities followed suit.
4. By 2018 local authorities throughout the world began declaring a climate emergency. In November 2018, Bristol City Council became the first UK public authority to declare a climate emergency. The Mayor of London, Sadiq Khan, followed suit one month later, committing to make London “zero-carbon"[[2]](#footnote-3) by 2050, with a goal of becoming “carbon neutral” by 2030.[[3]](#footnote-4) This followed a major report published by the 2018 UN Intergovernmental Panel on Climate Change (IPCC) report. The analysis below shows that during 2019, most East England authorities made a climate emergency declaration, which is consistent with a brief review of local authorities across the UK. Many authorities have set what appear at first glance to be ambitious targets to become “zero carbon” or “carbon neutral” by 2030. The UK's national target has been set at “net zero” carbon emissions by 2050 under s. 1 of the Climate Change Act 2008 (as amended).[[4]](#footnote-5) Although, as is clear from the legislation, net zero does not mean “no carbon emissions” but instead aims to limit such emissions to carbon emissions known to exist at 1990 (the baseline year)[[5]](#footnote-6).
5. Despite ambitious targets, CEDs have been criticised for being little more than a grand rhetorical device, without the authority or political will to deliver what they promise.[[6]](#footnote-7)
6. The purpose of this report is to draw together the research of identifying the status of CEDs across the 50 local authorities within the East of England including reviewing any action taken to implement their ambitions.
7. The ELF brief for the year 3 climate emergency research (Annex 1) sought to:

1) draw upon and update the UK data gathered by universities to date to clarify the commitment of each local authority in their CEDs or otherwise;

2) review the action plans and strategies that have been set including any key performance indicators (KPIs) that set interim and final targets to 2030; and

3) evaluate whether the carbon reduction work has been effective at lowering council GHG emissions in the long term.

1. The information gathered and presented in this report should assist ELF in identifying areas of focus that require positive action.
2. This has been done through desktop research and information obtained from requests under the Environmental Information Regulations 2004 (EIR 2004). The report provides background information, methodology, a quantitative and qualitative review of the desktop research with an emphasis on understanding more about how the CEDs and climate work inform decision making and community involvement. The procedural aspects of requesting information under the EIR 2004 was learnt and EI requests were made. The key findings for each public body, and in particular information relating to land use planning and community involvement was drawn together.
3. This report uses the terms such as “boroughs” and “borough councils”, councils and “local authority (LA)” interchangeably to discuss the East of England Councils. Local Authorities are elected every four years and are responsible for running most of day-to-day services and local issues, including environment matters, roads and many land use planning matters[[7]](#footnote-8). A list of the authorities surveyed is provided at Annex 2.
	1. **Background to the Report**
4. The research has been undertaken by student researchers as part of the **Policy Clinic, Open Justice Centre** at the **Open University Law School** The Policy Clinic is made up of undergraduate final year students in either full or part-time study with an interest in environmental law and practice.
5. Work on the project began in November 2022 with a review of the May 2022 report, analysis and core data. This was then updated via online desktop research of the 48 local authorities in the East of England. Following this, Environmental Information Regulation requests were sent to the Local Authorities, and their replies were analysed and collated into this report. The work was undertaken by a small group of 4 students supported by two academics and an alumnus. The views expressed in this report may not reflect the views of each researcher. However, the researchers have attempted to highlight specific areas and find consensus on key findings.

***The need to declare a Climate Emergency***

1. There is no universally accepted definition of a climate emergency declaration (CED). It can demonstrate two main things:

1. an acknowledgement that climate change is a real and serious problem requiring urgent attention, without which it will be too late to meaningfully solve the problem; and

2 a commitment to tackle climate change acting as both a catalyst for change and as a yardstick to monitor and measure progress.

1. The work involved in pursuing and making a CED may be instrumental in cultivating the political will required to implement real changes towards reducing the effect of climate change. The overall function of the CEDs may be regarded as a first step from which climate change mitigation can be carried on meaningfully. Acknowledgement of the climate crisis by means of a CED will hopefully lead to practical steps being taken towards addressing climate change, particularly by reducing carbon emissions.

**1.2 Research methodology**

1. The research was completed in 3 phases:

1) through desk top research and reporting on the current position of local authorities in relation to: (a) CEDs or otherwise, (b) action plans (c) targets that have been met;

2) undertaking environmental information (EI) requests to local authorities asking for clarification on any information gaps in the research outcomes from 1(a)-(c);; and

3) analysing the desk top research and further information provided by the Councils to report to ELF on the findings in order to help assess the national picture in terms of local authority effectiveness on meeting GHG reduction targets.

1. Working as a large team of pro bono researchers, good communication was essential. Regular fortnightly meetings were held to track progress and discuss challenges as well as key findings. The student directors were responsible for organising and managing the team, which they did by assigning tasks.

***1) Initial desktop surveys***

1. The initial desktop research was completed over several weeks. Each student was allocated 10 councils to consider. Each researcher then reviewed and recorded publicly available information in respect of each council’s climate commitments as well as initial analysis for discussion (e.g., the ease of access of particular documents or information).

***2) Environmental information requests***

1. Following the completion of the initial research, each researcher identified gaps in the information and drafted an EI request for each borough. Under Regulation 5(1) of the EIR 2004, a public authority has a duty to make environmental information on request. Such information must be made available "as soon as possible and no later than 20 working days after the date of the receipt of the request" (5(2), EIR 2004).
2. To ensure consistency in approach, the researchers and project supervisor drafted an initial model EI request that could be adapted according to the initial research findings. The project supervisor reviewed the draft EI requests before they were submitted to the relevant borough.

***3) Consolidation of survey results and EI responses***

1. Once a borough responded to an EI request, the assigned researcher consolidated the information received to the initial survey form for that borough in a way in which the source of the information could be identified.

**[…..]**

**4.** **CONCLUSIONS**

1. The following conclusions are drawn from the research:  That the region appears to be below average in terms of councils making a CED (around 76% for the East of England compared to a UK average of around 80%).
2. There has been some significant work and development carried out, or planned, towards reducing carbon (and equivalent) emissions. Further, it is evident that there is some good work being carried on in order to tackle GHG emissions and work towards a net zero target. Moreover, it is clear that the work and commitment is continuing with further action being taken over the last 12 months.
3. There appears to have been a move away from net zero by 2030 with a number of authorities now stating a commitment to net zero in 2035, 2040 or 2050. However the majority of local authorities still appear to be working towards a target of 2030. A significant minority of authorities do have interim targets and detailed plans on how to achieve net zero, and expressed confidence that they were on target to achieve this. However the majority of authorities had no interim targets and / or were still unable to calculate their reductions to assess their readiness to achieve net zero.

**ANNEX 1**

**Environmental Law Foundation**

**University climate emergency policy research year 3: (2022-23)**

The Environmental Law Foundation (ELF) is a charity which helps the voice of ordinary people and communities to be heard on matters affecting the environment in which they live. ELF focuses on participation and access to justice providing free information and guidance on environmental issues for individuals and communities. They also work in partnership with university based law clinics, specialist environmental lawyers and technical expert: see e.g. <https://elflaw.org/about-us/>.

ELF has been working with university clinics and others since 2020 on climate change policy. They have been exploring what the climate emergency declarations (CEDs) made since 2019 by most local authorities (councils) mean in practice and how the statements made may be resulting in real time and real life carbon (aka greenhouse gas (GHG)) reductions; something critical to mitigating climate change. The research to date has found that most councils have committed to reaching a ‘net zero’ target for their own GHG emissions by 2030; a target generally based upon the GHG Protocol and reference to Scope 1 to 3 emissions. And, while this does not mean that councils will not be emitting *any* GHGs by 2030 it should mean that they have reduced their emissions to 1990 GHG levels; which is considered by government to be acceptable[[8]](#footnote-9). Moreover, these targets appear broadly consistent the UK Government’s national targets revised in 2019 of reducing carbon emissions throughout the UK (i.e. not just in government buildings but in homes, work, within transport, towns and cities):

* by 68% of 1990 levels by 2030;
* by 78% by 2035; and
* by 100% by 2050[[9]](#footnote-10).

In simple terms, the UK Government has committed to carbon reduction of two-thirds in 10 years and by over three quarters in 15 years.

ELF aims to continue its collaborative climate emergency research work for a third year and to try to clarify whether local authorities will be on track to meet their own 2030 net-zero targets. This timing of this apt. Local authorities are now roughly one third along the timeline between the CEDs being made and ‘net-zero 2030’ and, by analogy with the national commitment, many councils should have already reduced their GHG emissions by two-thirds to be heading towards net-zero with specific carbon figures being calculated and published.

The ELF year 3 climate emergency research will aim to:

1. draw upon and update the UK data gathered by universities to date to clarify the commitment of each local authority in their CEDs or otherwise;
2. review the action plans and strategies that have been set including any key performance indicators (KPIs) that set interim and final targets to 2030; and
3. evaluate whether the carbon reduction work has been effective at lowering council GHG emissions in the long term.

The year 3 climate work will be achieved by the universities, through their law policy clinics:

1. carrying out desk top research and reporting on current position of local authorities in relation to (a) CEDs or otherwise, (b) action plans (c) targets that have been met; (*Nov-Dec 2022*);
2. undertaking environmental information (EI) requests to local authorities asking for clarification on any information gaps in the research outcomes from 1(a)-(c); (*Jan-Feb 2023*); and
3. report to ELF on the findings of (1) and (2) in order to assess the national picture in terms of local authority effectiveness on meeting GHG reduction targets (*Mar-April 2023*). The ELF report should synthesise the findings providing a summary of effective climate reduction by councils and highlighting any areas of concern.

The research work should engage students by:

a) securing an understanding relevant climate change law at an international, national and local level;

b) involve desktop and qualitative research, on policy and law in online research and through EI requests and responses through public law information mechanisms including e.g. the Environmental Information Regulations 2004;

c) requiring students to work collaboratively with colleagues, mentors, tutors, other universities, national organisations and public bodies;

d) developing and applying drafting and writing skills including the use of model/template letters and adapting this for particular circumstances; and,

e) highlighting how effective local government (as a public law governance system) is matching outcomes and results to public statements and recognising the constraints on public law action.

The six month research work should be delivered to ELF by a written report sent to ELF by the end April 2023.

Environmental Law Foundation

4.10.22

**ANNEX 2**

**Local authorities reviewed**

Councils marked with \* responded to the EI requests.

Babergh & Mid Suffolk District Council <https://www.babergh.gov.uk>

Basildon Council  <https://www.basildon.gov.uk/>

\* Bedford Borough Council <https://www.bedford.gov.uk/>

Borough Council of King's Lynn & West Norfolk <https://www.west-norfolk.gov.uk/>

Braintree District Council <https://www.braintree.gov.uk/>

\*Breckland Council <https://www.breckland.gov.uk/>

\* Brentwood Borough Council <http://www.brentwood.gov.uk/>

\* Broadland & South Norfolk District Council <https://www.broadland.gov.uk/>

\* Broxbourne Borough Council <https://www.broxbourne.gov.uk>

\* Cambridge City Council <https://www.cambridge.gov.uk/>

\* Cambridgeshire County Council <https://www.cambridgeshire.gov.uk/>

\* Castle Point Borough Council <https://www.castlepoint.gov.uk/>

\* Central Bedfordshire Council <https://www.centralbedfordshire.gov.uk/>

\* Chelmsford City Council <https://www.chelmsford.gov.uk/>

Colchester Borough Council <https://www.colchester.gov.uk/>

\* Dacorum Borough Council <https://www.dacorum.gov.uk/>

\* East Cambridgeshire District Council <https://www.eastcambs.gov.uk/>

\* East Hertfordshire District Council <https://www.eastherts.gov.uk/>

East Suffolk Council <https://www.eastsuffolk.gov.uk/>

\* Epping Forest District Council <https://www.eppingforestdc.gov.uk/>

\* Essex County Council <https://www.essex.gov.uk/>

Fenland District Council <https://www.fenland.gov.uk/>

Great Yarmouth Borough Council <https://www.great-yarmouth.gov.uk/>

\* Harlow District Council <https://www.harlow.gov.uk/>

\* Hertfordshire County Council <https://www.hertfordshire.gov.uk/home.aspx>

Hertsmere Borough Council <https://www.hertsmere.gov.uk/Home.aspx>

\* Huntingdonshire District Council <https://www.huntingdonshire.gov.uk/>

Ipswich Borough Council <https://www.ipswich.gov.uk/>

\* Luton Council <https://m.luton.gov.uk/>

Maldon District Council <https://www.maldon.gov.uk/site/>

\* Norfolk County Council <https://www.norfolk.gov.uk/>

\* North Hertfordshire District Council <https://www.north-herts.gov.uk/>

\* North Norfolk District Council <https://www.north-norfolk.gov.uk/>

\* Norwich City Council <https://www.norwich.gov.uk>

\* Peterborough City Council            <https://www.peterborough.gov.uk/>

\* Rochford District Council <https://www.rochford.gov.uk/>

South Cambridgeshire District Council <https://www.scambs.gov.uk/>

Southend-on-Sea City Council <https://www.southend.gov.uk/>

St Albans District Council <https://www.stalbans.gov.uk/>

Stevenage Borough Council <http://www.stevenage.gov.uk/>

\* Suffolk County Council <https://www.suffolk.gov.uk/>

\* Tendring District Council <https://www.tendringdc.gov.uk/>

\* Three Rivers District Council <https://www.threerivers.gov.uk/>

\* Thurrock Council  <https://www.thurrock.gov.uk/>

Uttlesford District Council <https://www.uttlesford.gov.uk/>

Watford Borough Council <https://www.watford.gov.uk/>

\* Welwyn Hatfield Council <https://www.welhat.gov.uk/>

\* West Suffolk Council <https://www.westsuffolk.gov.uk/>

[…..]

1. <https://climateemergencydeclaration.org/> [↑](#footnote-ref-2)
2. By definition, net-zero refers to a stage where no carbon is emitted in the first place, e.g., a business runs entirely on renewable energies and has phased out the use of fossil fuels entirely. [↑](#footnote-ref-3)
3. <https://twitter.com/MayorofLondon/status/1152882513406246913?s=20> [↑](#footnote-ref-4)
4. https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035 [↑](#footnote-ref-5)
5. Section 1(1) of the Climate Change Act 2008 (as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019/1056 art.2(2)): “It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Section 1(2) “The 1990 baseline” means the aggregate amount of- (a) net UK emissions of carbon dioxide for that year, and (b) net UK emissions of each of the other targeted greenhouse gases for the year that is the base year for that gas.” [↑](#footnote-ref-6)
6. https://www.bennettinstitute.cam.ac.uk/blog/climate-emergency-pragmatism-and-fatalism-policy-a/; https://www.globalwitness.org/en/blog/two-years-on-from-the-uks-declaration-of-climate-emergency-we-need-less-bluster-and-more-action-from-the-uk-government/ [↑](#footnote-ref-7)
7. Other areas of responsibility include education, housing, highways, transport planning, social care, libraries, leisure and recreation, waste collection and disposal, planning applications, and local taxation collection. [↑](#footnote-ref-8)
8. See e.g. the advice of the UK Government advisory body: the Climate Change Committee. [↑](#footnote-ref-9)
9. See e.g., s. 1 of the Climate Change Act 2008 (as amended), , the Nationally Determined Contribution under the Paris Agreement 2015 of 4.12.20, the 6th Carbon Budget of 20.4.21 and the Carbon Budget Order 2021/750. [↑](#footnote-ref-10)