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Environment and Sustainability Committee

Thursday, 16 November 2023 at 7.30 pm

Council Chamber - Civic Centre

Supplementary Agenda

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4. Implications of Climate Change for Runnymede Borough Council	2 - 16

Report title	Implications of climate change for Runnymede Borough Council
Report author	Georgina Pacey, Planning Policy and Climate Change Manager
Department	Planning, Economy & Built Environment
Exempt?	No

Purpose of report:
To recommend to a committee

Synopsis of report:
This report follows on from a motion being carried at Full Council in October 2019. This motion required a report to be brought to the Environment and Sustainability Committee setting out the implications of climate change for Runnymede Borough Council, and for this report to have regard to the matters set out in items 1-14 of the motion along with other relevant considerations. This requires, amongst other things, the consideration of whether a Climate Emergency should be declared in Runnymede.

Recommendation(s):
1-That the Environment and Sustainability Committee **NOTES** that the net zero targets within the motion resolved on 17th October 2019 (in points 3 and 4) have been superseded by those subsequently agreed through the adoption of the Climate Change Strategy by the Council.

And
That the Environment and Sustainability Committee **RECOMMENDS** to Corporate Management Committee that:

2a-A Climate Emergency is declared in Runnymede in line with the wording recommended at paragraphs 5.16 to 5.18 of this report.

OR
2b-A Climate Emergency is not declared in Runnymede.

1. Context and background of report

1.1 At the Full Council meeting of 17th October 2019, the following substantive Motion was duly moved and seconded and it was **RESOLVED** that:

The Environment & Sustainability Committee, with the support of the working group, form a report on the implications of climate change for Runnymede Borough Council and for this report to have regard to, but not be limited to, consideration of the matters set out in items 1-14 of this motion as set out below:

1. Declare a 'Climate Emergency'

2. Set up or purchase market and information monitoring tools that allow reasonable estimates of the carbon emissions of all economic and social activity regardless of sector within the borough;

3. Set a target to make Runnymede Borough Council carbon neutral by 2025, taking into account both production and consumption emissions;

4. Set a target to make the whole of the borough, including all economic and social activity regardless of sector, carbon neutral from a production and energy consumption (including transport) point of view by 2030;

5. Call on Westminster to provide the powers and resources to make the 2030 target easier to achieve;

6. Instruct the Constitutional and Legislative MWG to explore ways the Sustainable Communities Act could be used to support RBC carbon emissions reduction targets;

7. Work with other councils and the government to determine and implement best practice methods to limit Global Warming to less than 1.5°C. Continue to work with partners across the region to deliver this new goal through all relevant strategies and plans;

8. To set up a specific climate change and carbon reduction MWG and require all service committees to be presented with policies and plans to deliver against these targets within 6 months;

9. Produce a report for next Council on the level of investment in fossil fuel and carbon intensive industry of our pension plan and other investments;

10. Embed climate change targets into the Council's future investment plans.

11. Embed climate change objectives into planning policy;

12. Report by Annual Council 2020 a costed action plan to get to targets set out above;

13. Report to Council annually with the current situation and plans the council will take to address this emergency;

14. Aspire for national recognition as having the most ambitious and comprehensive climate change targets, plans and accountability structures of any branch of local government in England and Wales.

1.2 This requested report was not previously brought before the Environment and Sustainability Committee due to the unprecedented shift in priorities that resulted from the Covid 19 pandemic, the focus on developing the Climate Change Strategy and a number of changes in personnel.

2. Report and, where applicable, options considered and recommended

2.1 In line with the motion of 17th October 2019, the first part of this section of this report considers the implications of climate change for the Council. In this regard, the Gov.uk website¹ sets out that climate change is happening and is due to human activities; along with warming, many other changes are occurring such as melting polar ice, rising sea levels and more frequent floods, droughts and heatwaves.

¹ [Climate change explained - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- 2.2 Measurements of the average temperature at the Earth's surface show it has risen by about 1.1°C since the pre-industrial period. Each of the last 3 decades have been hotter than the previous one and the 7 warmest years on record have occurred between 2015 and 2021. This change in temperature hasn't been the same everywhere. It has increased more over land than over the oceans and has been more than twice as fast in the Arctic.
- 2.3 The United Kingdom (UK) is experiencing rising temperatures. The most recent decade (2012 to 2021) has been on average 1.0°C warmer than the 1961 to 1990 average. All 10 of the warmest years in the UK have occurred since 2003. 2022 was the UK's hottest year on record, with an average year-round temperature above 10°C seen for the first time.
- 2.4 Recent warming is being driven by:
- burning fossil fuels for energy;
 - changes in land use and deforestation which reduces the numbers of trees available to absorb carbon dioxide;
 - agricultural production which releases greenhouse gasses from energy use, from the number of livestock and the amount of fertiliser applied to land; and
 - manufacture of cement, chemicals and metals, which releases greenhouse gases into the atmosphere.
- 2.5 It is already possible to see the effects of climate change in our day to day lives. Effects are projected to become more severe and widespread as greenhouse gas emissions and global temperatures continue to rise. How big these impacts are depends on the degree to which greenhouse gas emissions can be reduced, and on our ability to adapt to these changes.
- 2.6 If greenhouse gas emissions continue to increase, then by 2070, UK winters are forecast to be between 0.6 and 3.8°C warmer and between 3 to 39% wetter, depending on the region, compared to our climate in 1990. This is because warmer air can hold more water. We will likely experience heavier rains and more rain could fall during winter storms. In a borough like Runnymede where there is a significant history of fluvial flooding, these effects are likely to be particularly pronounced.
- 2.7 Similarly, by 2070, UK summers are projected to be between 1.3 and 5.1°C warmer, depending on the region. Higher summer temperatures will likely cause more severe heatwaves. This will be a risk to public health, particularly vulnerable people.
- 2.8 Climate change will also affect summer rainfall events in the UK. Flash flooding events are more likely, especially in urban areas. By 2070, the UK is forecast to experience flash floods twice as often as it did in 1990. Increased flooding will negatively affect the environment, infrastructure, transport and water systems.
- 2.9 In summary, the effects of climate change are already being seen, and continued warming is predicted unless significant interventions occur. This warming is expected to be accompanied by a range of effects, as described above. With this in mind, in line with point 1 of the motion of October 2019, as part of this report, the Committee has the opportunity to consider whether to recommend that a Climate Emergency should be declared in Runnymede.
- 2.10 In the region of 120 local authorities across the UK have now made climate emergency declarations. These are generally declarations which set out that humanity is facing a climate emergency and that urgent action to address climate

change and its effects is needed. The remainder of this report is intended to help the Committee consider whether to recommend that a Climate Emergency should now be declared in Runnymede.

- 2.11 Through debate carried out on the subject at Full Council, it has been expressed that the declaration of a Climate Emergency should be part of a suite of actions, including the development of a Climate Change Strategy, which demonstrate the Council's commitment. In considering the Council's preparedness to move forward positively and proactively should a Climate Emergency be declared, the remainder of Section 2 of this report sets out the Council's progress in each of the key areas described in the original motion (points 2-14). Sections 3-7 of the report then consider a range of other implications related to the declaration of a Climate Emergency including legal, resource and financial implications.
- 2.12 Motion point 2: Set up or purchase market and information monitoring tools that allow reasonable estimates of the carbon emissions of all economic and social activity regardless of sector within the borough: Runnymede Borough Council's Climate Change Study began at the end of October 2022. The main purpose of the project was to support the implementation of Runnymede Borough Council's Climate Change Strategy and Action Plan, and also to underpin the Local Plan Review process. The work has not only established the Council's and the borough's carbon emissions baseline, but the appointed consultants have also created a Green House Gas inventory for the Council which will help the Council measure, report and monitor its Green House Gas Emissions over time across all scopes. Officers have been provided with training so they are able to use the tool effectively.
- 2.13 Motion point 3: Set a target to make Runnymede Borough Council carbon neutral by 2025, taking into account both production and consumption emissions; As part of the motion, officers were asked to give consideration to whether a 2025 target was achievable for Council operations. The setting of net zero targets has since occurred during the formulation of the Council's Climate Change Strategy. During the production of this strategy, careful consideration was given to what would be an ambitious yet realistic target for reducing Council operations to net zero. The view was taken that a target before 2030 would not be realistic due to the associated costs of transitioning to net zero as well as the limited resources of the Council, which as well as being directed to responding to the threats of climate change, have to also deliver numerous other Council priorities.
- 2.14 The Council's Climate Change Strategy was adopted in October 2022. The contents of this strategy were discussed with Councillors at various points during its development. The Strategy sets a target for Runnymede Borough Council to deliver Carbon Net Zero for Council operations by 2030. Based on the research and information available at the time of developing the Climate Change Strategy, it was determined that 2030 was the most suitable target.
- 2.15 To further support that a net zero target for Runnymede Borough Council of 2025 is highly unlikely to be achievable, the Council's carbon emissions baseline report confirms that there are 21 operational and community buildings within the Council's scope 1 and 2 emissions, and 8 communal areas within the Council's housing stock which need to be decarbonised by 2030. Only two of these buildings currently benefit from Heat Decarbonisation Plans (HDP). These are the Hythe Centre and Manor Farm Day Centre. The consultants who produced these HDP advised the Council that to install all of the measures in the HDPs (this includes installation of measures such as solar shading, external wall insulation, new Building Energy Management Systems (BEMS), LED lighting, new lighting control systems, roof insulation, solar PV

and Air Source Heat Pumps) could cost in the region of £2,000,000, although it is recognised that this would need to be tested via the market. Officers recently explored securing external funding through the Public Sector Decarbonisation Scheme (one of the largest funds currently available to decarbonise public buildings) to allow these decarbonisation measures to be installed, however the maximum level of grant that could be secured was £276,935 with the remainder needing to be match funded by the Council. Even a reduced scheme with the LED lighting and solar PV elements removed would have required a contribution from the Council of almost £900,000 (for both buildings) which was considered prohibitive. This gives some indication of the scale of the challenge that the Council faces in transitioning to net zero in a timely manner.

- 2.16 Motion point 4: Set a target to make the whole of the borough, including all economic and social activity regardless of sector, carbon neutral from a production and energy consumption (including transport) point of view by 2030; As part of the motion, officers were asked to give consideration to whether a 2030 target was achievable for the borough. The setting of net zero targets has since occurred during the formulation of the Council's Climate Change Strategy. The Council's Climate Change Strategy was adopted in October 2022. The contents of this strategy were discussed with Councillors at various points during the Strategy's development.
- 2.17 The Strategy does not provide a specific Borough wide target as part of its vision, mission or strategic objectives, and this was because it was felt that delivery against a target prior to the national target of 2050 was likely to be unrealistic, especially given that according to the [Climate Change Committee²](#), an estimated 67% of local area emissions are outside the place-shaping powers and potential influence of local authorities. Meeting even a 2050 target will therefore be heavily reliant on national interventions and initiatives.
- 2.18 Motion point 5: Call on Westminster to provide the powers and resources to make the 2030 target easier to achieve; The Council sits on the Surrey Greener Futures Partnership Steering Group with representatives from Surrey County Council and other Surrey Boroughs and Districts. This partnership allows for collaborative working to achieve climate change targets across the County. For the 2023/24 financial year, the Steering Group agreed a number of key objectives, one of which was to,
- 'Put the unique Surrey case forward to central government to gain the resources and powers necessary to meet our net zero targets'*.
- 2.19 To deliver this objective, it was agreed that before the end of the current financial year, a joint statement from the Partnership Board to government ministers would be issued to ask for consistent funding for local authorities to support delivery of our Net Zero targets. This statement is to be drafted by Surrey County Councillor Marisa Heath: Cabinet Member for the Environment. Elected Members from each Surrey Borough and District will be asked to agree the final version and co-sign.
- 2.20 Motion point 6: Instruct the Constitutional and Legislative MWG to explore ways the Sustainable Communities Act could be used to support RBC carbon emissions reduction targets; The Council agreed the new Member Working Parties to be formed

² The Climate Change Committee (CCC) is an independent, statutory body established under the Climate Change Act 2008. Their purpose is to advise the UK and devolved governments on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions and preparing for and adapting to the impacts of climate change.

in July 2023, and these working party meetings formally commenced in September 2023. There is a Constitution Working Party as well as a Climate Change Working Party. Following discussions with the Corporate Head of Law and Governance and Democratic Services, it has been agreed that it would be most appropriate for the Sustainable Communities Act 2007 (as amended) to initially be discussed at the Climate Change Working Party. Agreeing a date to bring an item on this matter before this working party will be agreed with the relevant Chairman.

- 2.21 Motion point 7: Work with other councils and the government to determine and implement best practice methods to limit Global Warming to less than 1.5°C. Continue to work with partners across the region to deliver this new goal through all relevant strategies and plans; The Council's Climate Change Strategy, as part of the climate vision sets out that the Council will support the international climate change response to limit global warming to a 1.5 degrees centigrade temperature increase while simultaneously delivering a prosperous, caring, healthier borough where people are valued and cared for and where strong communities pull together.
- 2.22 The Council is working with a range of partners to develop and deliver initiatives and best practice methods to help support this target. This includes other Surrey Boroughs and Districts through the Surrey Greener Futures Partnership, as well as other Surrey wide climate change groups (such as the Climate Change Officers group). The Council is also an active member of the Heathrow Strategic Planning Group (HSPG) which is a joint partnership of many of the local authorities and Local Enterprise Partnerships (LEPs) responsible for planning the land use, transport, environment, economic development and sustainable development of the sub-region surrounding Heathrow Airport.
- 2.23 HSPG was formed in 2015 to jointly shape the proposed expansion of Heathrow airport, regardless of individual members' support or opposition to it. The current focus of the Group is supporting a green recovery from the Covid 19 pandemic across the sub-region - in particular identifying options to accelerate the pace of decarbonisation.
- 2.24 Motion point 8: To set up a specific climate change and carbon reduction MWG and require all service committees to be presented with policies and plans to deliver against these targets within 6 months; As set out earlier in this report, a Climate Change Members Working Party was agreed in July 2023 and had its first meeting in September 2023. The Working Party has recently considered a draft Climate Change Action Plan for the Borough. This Action Plan is anticipated, subject to the relevant committee approvals, to be adopted by the end of the current financial year. It is proposed that annual Climate Change Delivery Plans will be developed to support the delivery of the Action Plan. These plans will set clear priorities for delivering the Council's climate change response across the various service areas. Possible contents for the 2024/25 annual Climate Change Delivery Plan are due to be discussed with the Working Party in January 2024.
- 2.25 Following the agreement of the annual Climate Change Delivery Plan for 2024/25, the Council's central Climate Change Team will support the different Service Areas as they deliver agreed priorities. The proposed policies and plans to help deliver each priority will be considered by the relevant committees. Which committee specific items will be considered at will be determined in accordance with the Council's constitution.

- 2.26 Motion point 9: Produce a report for next Council on the level of investment in fossil fuel and carbon intensive industry of our pension plan and other investments; The Council's Pension Plan is run and administered by Surrey County Council. According to the SCC website ([The Surrey Pension Fund and environmental, social and governance \(ESG\) issues | Surrey Pension Fund](#)), consideration is always given to environmental, social and governance issues, as set out in the Fund's "[Investment Strategy Statement \(pdf\)](#)".
- 2.27 Runnymede Borough Council has no direct investments in fossil fuel and carbon intensive industries however this may occur indirectly, with our investments in two £2m pooled funds held with CCLA Investment Management Limited. The CCLA's approach to Environmental, Social and Corporate Governance (ESG) investments can be found on their website: [Approach to ESG | CCLA](#)
- 2.28 Motion point 10: Embed climate change targets into the Council's future investment plans; The Council's approved [Capital & Investment Strategy](#) sets out our approach to ESG rather than specifically Climate Change issues. The Capital and Investment Strategy that surrounds it, is the expression in financial terms of the Council's agreed policies and schemes and as such there are no specific Climate Change implications attributable to the Capital and Investment Strategy itself. Instead, any implications arising from new initiatives or those marked as being subject to a further report, will be fully explored within those future reports and through any resulting procurement processes.
- 2.29 Motion point 11: Embed climate change objectives into planning policy; The Runnymede 2030 Local Plan was adopted in July 2020. It includes number of policies which contribute to the mitigation of, and adaptation to, climate change. As part of its spatial vision the Plan states that by 2030:
- Runnymede will be resilient to and mitigate climate change impacts especially by reducing and minimising the risks from flooding, reducing greenhouse gas emissions and improving water quality and efficiency.*
- 2.30 Objective 6 in the Plan reiterates this vision and includes commitment to the use of renewable and low carbon energy. Additional objectives also contribute to climate change mitigation and adaptation, for example, by seeking to improve accessibility to a range of active travel choices (thus reducing the need to travel by car) and to enhance the Borough's landscapes, green spaces and biodiversity.
- 2.31 Three policies which play a fundamental role in supporting climate change action include:
- Policy SD7: Sustainable Design: This embeds sustainable design principles to ensure development proposals mitigate and adapt to climate change impacts;
- Policy SD8: Renewable and Low Carbon Energy: This sets out the Council's in-principle support for proposals for stand-alone and community led renewable, low carbon and decentralised sources of energy.
- Policy EE13: Managing Flood Risk: This policy steers vulnerable development away from areas affecting by flooding, and where there is no alternative to development being located in an area at risk of flooding, the policy sets out specific requirements to minimise the risk. It also requires development in flood risk area to be supported by Flood Risk Assessment which sets out how the development will manage flood risk over its lifetime, considering the impacts of climate change. The policy also confirms the Council's support for proposals for strategic flood relief measures, including the emerging flood relief measures and channel through Runnymede as part of the wider River Thames Scheme.

- 2.32 The Local Plan also contains a suite of policies on the natural environment which amongst other things, seek net gains in biodiversity from new development through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species.
- 2.33 A series of Supplementary Planning Documents (SPDs) provide further guidance to supplement the policies of the 2030 Local Plan, including: Design SPD, describing how to achieve sustainable design standards; Green and Blue Infrastructure SPD setting out measures which will help build resilience to climate change; and Parking Guidance SPD setting out appropriate levels of car, cycle parking and electric vehicle charging points for different types of development. It also encourages less car parking in town centre locations, where alternative modes of transport are more readily available.
- 2.34 The government is proposing to introduce a new Local Plan making system in Autumn 2024. The Planning Committee agreed in June 2023 that work on the next iteration of the Borough Local Plan should be based around the option for preparing a Plan under the new plan-making arrangements. Based on the debates on the contents of the Levelling Up and Regeneration Act (LURA), which gained Royal Assent on 26th October, it is expected that the scope of local plans will be limited to 'locally specific' matters, with 'issues that apply in most areas' to be covered by a new suite of national policies. Documentation which supported the Levelling Up and Regeneration Bill confirmed that the Act would require "each local planning authority to prepare one local plan, with the content limited to locally specific matters such as allocating land for development, detailing required infrastructure and setting out principles of good design". It added: "General policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of National Development Management Policies (NDMPs), which will have the same weight as plans so that they are fully taken into account in decisions. Local plans will not be able to repeat these.
- 2.35 It is expected that the government will introduce National Development Management Policies on climate change, and clarify how much scope, if any, there will be for individual local plans to introduce additional policy in this area. The agreed-upon amendment which will form part of the final Act, will require the drafting of policies that are to be designated as NDMPs to "have regard to the need to mitigate, and adapt to, climate change, taking into account the range of climate scenarios and risk relevant to the policies being developed."
- 2.36 Motion point 12: Report by Annual Council 2020 a costed action plan to get to targets set out above: The Climate Change Action Plan that has been drafted by officers, and which is due to be considered by Corporate Management Committee on 23rd November contains details of indicative costs against each action. The categories are high level and split as follows:
- Low: £0-£50,000
Medium: £50,000 to £250,000
High: £250,000 to £1,000,000
Very high: £1,000,000 +
Unknown/ not yet quantified

- 2.37 More detailed costings will become known as individual projects are developed, however over the lifetime of the Action Plan, officers will work to introduce more accurate information on costings where possible in future iterations. In some cases, other investigations or reviews may need to take place before accurate costings can be given, for example, it will need to be considered whether a service and asset review needs to be carried out to determine which Council owned buildings and other built assets (such as car parks) are intended to be retained in the long term so that accurate costs can be developed to decarbonise the resultant Council's estate, and assets can be prioritised for the installation of decarbonisation measures.
- 2.38 In addition to achieving net zero targets, the Council, as a provider of local services, has a number of other key priorities. Resources must be balanced to deliver on all of the Council's priorities, and decisions on priority projects and activities must be made bearing in mind the Council's financial situation and the need to ensure that the Council is able to balance its accounts in future years. As costs are crystalised for initiatives, decisions will need to be taken concerning levels of investment, and priorities must remain under review as a result with further reports to members setting out what may be required to deliver particular aspects of the action plan.
- 2.39 Motion point 13: Report to Council annually with the current situation and plans the Council will take to address this emergency; Regardless of whether the Council declares a Climate Emergency, officers will produce annual carbon emissions reports to track changes in emissions over time. In addition to this, detailed Climate Change update reports will be produced alongside the Q2 and Q4 Project Portfolio Reports in October and April respectively (and reported to CMC at the next available meetings factoring in committee lead in times). For the quarters in between (Q1 and Q3), a climate change dashboard will be produced in July and January respectively and shared with Members via the Members Teams channel to provide a high-level update of the ongoing activities across the Council with a climate change impact. As set out earlier in this report, annual Climate Change Delivery Plans will also be key in setting out in a transparent way the Council's plans to respond to the threats of climate change year on year. These will be produced alongside the Service Area Plans which are also developed annually to ensure a joined-up approach.

Motion point 14: Aspire for national recognition as having the most ambitious and comprehensive climate change targets, plans and accountability structures of any branch of local government in England and Wales; Officers will continue to explore opportunities to promote the work of the Council in responding to climate change within identified resources, and to develop into a leader in this area.

Summing up comments

- 2.40 The Council has an adopted Climate Change Strategy which sets the strategic direction in terms of the Council's response to climate change and sets the relevant net zero target for the Council's operations. It has a Green House Gas emission inventory which will help the Council measure, report and monitor its Green House Gas Emissions over time across all scopes.
- 2.41 The Council has also established robust governance arrangements to guide the Council's response to climate change. It has been established that operational (non-political) governance for the Council's net-zero targets, both for the council's own emissions and those from the wider borough area, sits at Corporate Leadership Team level. This helps ensure that the commitment to net-zero comes from the top of the Council down. The recently established Climate Change Member Working Party

will provide steer on key matters associated with the Council's response to climate change.

- 2.42 Reporting on climate change activities through the Council's committees was also reconsidered in the 2023 update to the Council's constitution. In recognition of the importance of the Council's climate change response, overall co-ordination of climate change activities, regular reviews of the Climate Change Action Plan and policy and strategy formulation now sits with Corporate Management Committee. Working party discussions will help shape the development of reports which will be taken through Corporate Management Committee (or other relevant committees as appropriate) on climate change matters. This will provide governance arrangements through which the Council can ensure that operational decisions being made within each individual service area are consistent with the over-arching net-zero commitments.
- 2.43 In terms of strategy development, since the adoption of the Climate Change Strategy in October 2022, the Council has made significant inroads into developing a comprehensive strategy framework to guide its response to climate change. This includes establishing the baseline emissions for the Council's operations and for the Borough, producing a draft Climate Change Action Plan for the Borough following a comprehensive programme of public and stakeholder engagement, and drafting an Electric Vehicle Strategy for the Borough (due to be considered at Corporate Management Committee in November). Work has also commenced on the development of a Fleet Strategy which will, amongst other things, consider options for decarbonising the Council's fleet. Moving forwards, plans for annual Climate Change Communications Plans and annual Climate Change Delivery Plans from 2024/25 will ensure that the Council is able to set priorities year on year for its climate change response and then work to implement them.
- 2.44 The Council has also, during the course of 2023, established more robust climate change monitoring and reporting procedures which will be instrumental in tracking progress with the Council's response.
- 2.45 Finally, during the course of 2023, more resource has been put into the Council's Climate Change Team. This is through the recruitment of a full-time graduate Climate Change and Sustainability Officer (2 year contract). The pause to much of the Council's Local Plan making activities has also allowed additional resource from the Planning Policy team to be used to for climate change activities for a temporary period. Beyond this, one of the Council's Recycling Officers is also on a 2 day a week secondment to the Climate Change Team. This arrangement is likely to continue for at least 6 months.
- 2.46 Given these key changes in circumstances over the last year, it is considered that this would be a good opportunity for the Council to consider whether a Climate Emergency should be declared in Runnymede. Officers are of the opinion that should Members be minded to declare a Climate Emergency, the Council is now in a much better position from a strategy, governance, monitoring and resourcing perspective to drive forward its response using its best endeavours. The biggest risk to the Council's ability to meet its operational net zero target relates to whether the Council is able to finance its transition to net zero. This is considered in more detail in section 4 of this report. Financial constraints are also likely to impact on the ability of the Borough to meet the 2050 target, alongside other barriers such as a shortage of green skills to support the transition.
- 2.47 Conversely, Members may feel that the Council has already committed to an ambitious target to transition Council operations to net zero by 2030, and that this in

itself demonstrates that the Council already recognises that urgent action to address climate change and its effects is needed. It is not anticipated that the declaration of a Climate Emergency in itself, would change the Strategy and response agreed to date by Members. Research by officers shows that in many areas, even where a Climate Emergency is declared, net zero targets are no more ambitious than that already proposed by Runnymede, and are sometimes less ambitious. The net zero targets of other Surrey Boroughs and Districts who have declared a Climate Emergency are shown below for comparison.

Local Authority	Climate Emergency declared?	When?	Operational net zero target	Borough-wide net zero target
Elmbridge	Y	July 2019	2030	2050
Epsom and Ewell	Y	July 2019	2035	2050
Guildford	Y	July 2019	2030	2050
Mole Valley	Y	June 2019	2030	2050
Reigate and Banstead	N	n/a	2030	2050
Runnymede	N	n/a	2030	2050
Spelthorne	Y	October 2020	2030	2050
Surrey Heath	Y	October 2019	2030	2050
Tandridge	Y	February 2020	2030	2050
Waverley	Y	September 2019	2030	2050
Woking	Y	July 2019	2030	2050

- 2.48 Furthermore, from the research carried out by officers, declaring a climate emergency would not open up new external funding streams to the Council, or make it more likely that the Council would secure external funding where there are competitive processes.

3. Policy framework implications

- 3.1 The Paris Agreement which is a legally binding international treaty on climate change was adopted by 196 Parties, including the UK at COP 21 in Paris on 12 December 2015 and came into force on 4 November 2016. Its goal is to limit global warming to well below 2 degrees Celsius, preferably 1.5 degrees Celsius, compared to preindustrial levels.
- 3.2 In June 2019, Parliament passed The Climate Change Act 2008 (2050 Target Amendment) Order 2019, which requires the Government to reduce the UK's net emissions of greenhouse gases by 100 per cent relative to 1990 levels by 2050.
- 3.3 In January 2022, the Council committed to tackling climate change and adopted a target to achieve operational 'Net Zero Carbon' emissions from its services and operations by 2030.
- 3.4 In October 2022, the Council adopted its Climate Change Strategy which reconfirms the Council's commitment to working to ensure that all its operations will be Carbon Net Zero by 2030. This strategy also acknowledges the relevance of the national 2050 net zero target for the wider Borough of Runnymede.

4 Resource and financial implications/Value for Money

- 4.1 In terms of resourcing, the Council's Climate Change Team now benefits from 2.4FTE staff to drive forward and coordinate the Council's climate change response. Additional temporary resource from the Council's Planning Policy and Recycling Teams is also currently supporting the work of this team. Beyond this, each service area is responsible for developing and delivering plans and strategies to help move the Council towards its 2030 net zero target, and support the Borough's communities and organisations also transition to net zero.
- 4.2 In terms of financing the Council's transition to net zero, there is currently a capital budget of £100,000 a year for 5 years to deliver climate change initiatives within the Council's estate. Longer term funding opportunities continue to be explored, as well as external funding opportunities. However, it is widely recognised that a lack of funding is a key barrier to local authorities responding to climate change.
- 4.3 In this regard, a survey of Local Authorities carried out by the Local Government Association for their 2023 'Accelerating adaptation action: Councils preparing for climate change' report found that when asked "what do you consider to be the biggest impacts due to a changing climate?" the highest ranked impact, out of the eight options provided, was "Financial" with 41 per cent ranking it as number one, and 76 per cent of all respondents ranking it in the top three. "Lack of funding/available finance" was also the top identified barrier (93 per cent) faced by authorities in addressing impacts to both communities and service delivery.
- 4.4 Whilst officers continue to explore options to move the Council towards its net zero target, financing action is likely to present a significant challenge given the financial constraints of the Council and the age and condition of the Council's asset base which delivers our key services.

5. Legal implications

- 5.1 As noted in the body of the report, there is no legal obligation imposed on organisations, including local authorities, to declare a climate emergency. If an organisation does decide to make such a declaration, the declaration itself has no impact unless it is accompanied by a series of actions on the part of the organisation. As highlighted in the body of the report, the Council has adopted a Climate Change Strategy and is currently working on a number of activities to address the impact it has on climate change.
- 5.2 There are however certain legal implications to consider when declaring a climate emergency, which will, to a large extent, depend on how the declaration is drafted. Depending on that drafting, and the particular circumstances of the case, it is possible that some declarations might potentially give rise to public law consequences as described below
- 5.3 It has been suggested by certain commentators that declarations could be regarded as material considerations in the determination of planning matters if they are drafted in a certain manner.
- 5.4 A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. "Material Considerations" are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

- 5.5 Indeed, it seems possible that a declaration of a climate emergency could be drafted in such a way that it could be relied upon to argue that it makes climate change a material consideration. Climate change impacts should be given due regard in making particular decisions in order to ensure sound decision taking.
- 5.6 In the sphere of public law there is a doctrine known as legitimate expectation. A failure to meet that expectation can result in a legal claim. At its most basic, a legitimate expectation claim is based on the assumption that, where a public body states that it will or will not do something, a person who has reasonably relied on that statement should be entitled to enforce it; if necessary, through the courts.
- 5.7 In relation to the declaration of a climate emergency, it is possible that a declaration might be drafted in such a way as to allow it to be argued that it gave rise to an enforceable legitimate expectation. The declaration would have to contain clear, unambiguous and unqualified representations about how the local authority was going to act in the future in particular circumstances. Where a clear and unambiguous undertaking or promise has been made in a declaration, the local authority who made it could be held to it and not be allowed to depart from it unless it is shown that it is fair to do so. The nature of declarations means, however, that this is unlikely to be true of the vast majority of declarations made by local authorities. Commentators have stated that a declaration is often ‘the first step towards meaningful action on climate change and a reduction in carbon emissions’ and is ‘a focus point’ which, in order to be effective, ‘needs to be followed up with action plans and strategies’.
- 5.8 If a legitimate expectation were to arise, it would most likely be a procedural rather than a substantive legitimate expectation. A procedural legitimate expectation would be an expectation that the Council will follow a particular procedure before making a decision, such as a consultation process, whereas a substantive legitimate expectation would be an expectation that the Council would reach a particular decision. A declaration might potentially give rise to a procedural legitimate expectation that, for example, climate change would be taken into account in making a decision. It is also perhaps conceivable, depending on how it was drafted, that it could be argued that the declaration gives rise to a legitimate expectation that climate change would be prioritised as an objective over other considerations.
- 5.9 As it stands, the committee report template for the Council contains a standard section which asks the author of the report to consider the sustainability/climate change/environmental implications of the decision that officers are asking a committee to take. This helps ensure that the Council is taking climate change into account when making decisions, although greater oversight may be required should a climate emergency be declared to make sure that this section of committee reports is being completed carefully in each case.
- 5.10 It is possible that a declaration could be relied upon to argue that there was, in the circumstances of a particular decision, a legal duty to give reasons to explain how the decision was consistent with the declaration. This could potentially be argued, for example, if the decision appears to fly in the face of the declaration.
- 5.11 The decision of a local authority is subject to legal challenge through a process known as Judicial Review. Decisions can be challenged on a number of what are termed ‘grounds’, one of which is irrationality. A decision may be irrational if;

- it is so unreasonable that no reasonable decision maker could have come to the same decision, also known as 'Wednesbury unreasonableness'.
 - the decision-maker takes into account irrelevant matters or fails to consider relevant matters
 - if the decision maker acts in bad faith or dishonestly
- 5.12 It could be considered irrational for an authority to resolve to take action in a declaration of climate emergency and then fail to do anything further. Should Members wish to make such a declaration, the drafting would be key as the more specific the declaration is about what action would be taken, the more likely it is that an irrationality challenge might succeed. It might, for example, be argued to be irrational to adopt a plan or policy which does nothing to address climate change where the local authority has declared a climate emergency. Some declarations may include specific commitments or promised actions on which, absent a change of policy or circumstances, it might be irrational not to act.
- 5.13 Whilst many local authorities have declared a climate emergency, the status of such declarations in decision-making has yet to be tested by any legal challenge. The above text in this section of the report seeks to explore what could potentially be the legal consequences of the Council making such a declaration. The public law consequences of Climate Emergency declarations will depend, to a great degree, on how the declaration is drafted.
- 5.14 It is possible, however, that a declaration could be drafted in such a way that it could be relied upon to try to establish that, in certain decisions, climate change was a mandatory material consideration. At an extreme, it may be possible for a declaration to give rise to an enforceable legitimate expectation. A procedural, rather than a substantive, legitimate expectation is more likely. A declaration could also be relied upon to argue that, in certain circumstances, there was a legal duty to give reasons. A declaration may also form the basis of an irrationality challenge.
- 5.15 Should Members be minded to declare a Climate Emergency, it is therefore recommended that the following wording would be appropriate for any recommendation to Full Council:
- 5.16 *Over 120 councils in Britain have declared a climate emergency. Such a declaration is a public acknowledgement that the serious impacts of climate change present a clear and present threat to our world. Accordingly:*
- 5.17 *Runnymede Borough Council recognises that:*
- *The consequences of global temperatures rising above 1.5 degree Celsius are so severe that preventing this from happening must be humanity's priority;*
 - *All governments (national, regional and local) have an obligation to limit the negative impacts of increasing global temperatures and biodiversity loss;*
 - *It is important that all organisations commit to becoming operationally net zero, as soon as reasonably possible, subject to their resources and financial constraints which may apply to them;*
 - *Bold action to mitigate against climate change can deliver improved personal, social and environmental well-being for people locally and world-wide.*

- 5.18 *Runnymede Borough Council therefore resolves to declare a climate emergency, which means it will use its reasonable endeavours to continue its work to meet the Council's target of net zero operational emissions by 2030, and to use its sphere of influence to support the Borough and its communities to achieve the 2050 national net zero target for the UK.*

6. Equality implications

- 6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the nine 'protected characteristics' stated within the Act. Declaring a climate emergency in itself is not considered to have an impact on any of the nine protected characteristics. However, the individual actions taken by the Council in responding to a climate emergency could have impacts on groups with protected characteristics. Therefore, individual projects would need to have their equalities impacts considered on a case-by-case basis.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 Declaring a climate emergency may provide additional evidence, supporting the Council's adopted Climate Change Strategy and emerging action plan, that Runnymede Borough Council recognises that urgent action to address climate change and its effects is needed. Responding positively to climate change is intended to limit global warming to 1.5°C above pre-industrial levels. This would have multiple positive impacts for the environment, including helping halt and reverse biodiversity loss and limiting the worst effects of climate change for communities.

8. Other implications

- 8.1 None identified.

9. Timetable for Implementation

- 9.1 Following consideration at this evening's committee, if the Committee recommends that a Climate Emergency be declared, the recommendation would be referred to Corporate Management Committee for consideration on 23rd November. If the recommendation is accepted at this meeting, the item will then be considered at Full Council on 7th December.

10. Background papers

None

11. Appendices

None