

LOCAL COUNCILS' POWERS & OPPORTUNITIES AROUND CLIMATE CHANGE

Work in progress - November 2021

There are two possible approaches to climate change:

- **MITIGATION** – working towards community life having a minimal effect on the environment in general and carbon levels in particular (“carbon neutral”), including low energy use and taking up fewer resources
- **ADAPTATION** – preparing for expected changes in the climate in future, such as rising flood levels and warmer temperatures (already happening)

There is a certain amount local councils can do themselves. Beyond that they can still support action by other people at other levels of society and government by encouraging or campaigning.

STATUTE	GENERAL	MITIGATION	ADAPTATION	CAMPAIGN
Allotments and markets: (Small Holdings and Allotments Act 1908, ss 23, 26 and 42; Food Act 1984, s. 50)	This allows the promotion of local produce and healthy eating	This can help to reduce food-miles	Allotments powers also enable the provision of communal food-growing sites and initiatives, run by associations and cooperatives.	Lobby the planning authority to encourage farmers' markets
Burials etc: (Open Spaces Act 1906, ss 9 &10; Local Government Act 1972, s.214; Parish Councils & Burial Authorities (Miscellaneous Provisions) Act 1970 s.1)	This can allow practices such as green burials, eco-friendly management etc			

<p>Commons, ponds, open spaces, recreation etc (Open Spaces Act 1906, s.15; Highways Act 1980, ss 47)</p>	<p>Scope to practise good environmental management, accommodate recycling facilities etc on the council's land</p>	<p>Scope to plant trees on, and maintain, highway verges (and ask for tree preservation orders on all existing mature trees)</p>		<p>Lobby other authorities to permit fruit tree and vegetable planting on public land</p>
<p>Community centres and other public buildings (Local Government (Miscellaneous Provisions) Act 1970, s.19. (Local Government Act 1972, s. 133)</p>	<p>Work towards being carbon-neutral by reducing the council's carbon emissions and using renewable energy sources</p>	<p>Scope to embrace/ include on-site green energy, energy-conservation, electric car charging-points, recycling points etc</p>		<p>Lobby planning authorities to support the installation of renewable energy systems, including in conservation areas</p>
<p>Community energy (s20 of the Climate Change and Sustainable Energy Act 2006)</p>	<p><i>The 's 137 expenditure limit' is a severe constraint on making capital investments in energy schemes</i></p>	<p>Councils can encourage or promote the local production and use of renewable energy, and also energy conservation, subject to the section 137 of the LG Act 1972 annual spending limit</p>	<p><i>Restrictions currently on the ability to 'sell' the energy directly to local consumers.</i></p>	
<p>Highways and sustainable transport (Highways Act, ss 43, 50, Parish Councils Act 1957, s.1; Local Government Rating Act,</p>	<p>Scope to promote rights of way routes, walking and cycling</p>	<p>Scope to use 'car park' powers, to provide useful facilities such as on-site electric vehicle-charging points and cycle racks</p>	<p>Scope to make more use of powers to support community bus services, and to run or support car- sharing</p>	<p>Lobby highway authorities to reduce street lighting in the middle of the night, and approve plans for new cycling routes</p>

1997, s.25, 28 & 29; Transport Act, 1985, s.106A)				
Litter and environmental crime (Litter Act 1983, ss 5.6, Cleaner Neighbourhoods and Environment Act, 2005)	Scope to provide refuse and waste receptacles and publicity, including recycling	Scope to discourage and prosecute littering and dumping	<i>Currently there is no specific power to promote or run waste- recycling or resource re- use activities</i>	
Neighbourhood planning (Localism Act, 2011; Neighbourhood Planning Act, 2017 and National Planning Policy Framework,)	There is a continuing need to ensure that Neighbourhood Plans have 'teeth', and that they can be more than just land-use allocation policies	Scope to include environmentally-friendly planning policies re design, routes, landscaping etc	Encourage climate- friendly activities such as repair cafes, food banks, and recycling	
Newsletters and websites: (Local Government Act 1972, s.142)	Scope to use to promote good environmental practices, resource- sharing etc			
Community support and engagement (Local Government Act 1972 ss. 111, 140 etc)	Scope to encourage and support volunteers and the wider community with grants, loans, insurance protection, publicity, surveys,	Run a yearly schools' competition to develop ideas to make the town carbon neutral, look at the establishment of a forum including businesses, local	Hold open meetings for residents on how to increase biodiversity in their garden, encourage pollination corridors by use of "bee squares"; adopt a "Refill" scheme,	Encourage local residents to become self-sufficient in energy, capture rainwater, grow their own food and reduce food waste

	good-practice advice etc	organisations and residents to develop ideas to make the parish carbon neutral	making it easier to reuse and refill plastic bottles with free tap water in the town.	
Tourism (Local Government Act, 1972, s.144)	Scope to encourage and promote eco-tourism			
General powers (Local Government Act 1972, s 137; Localism Act 2011, ss 1–8)	<i>S 137 annual spending level is limited, and the General Power of Competence is exercisable by relatively few councils</i>	Scope to spend money and/or undertake work on a wide range of beneficial activities which are not prescribed in other legislation	Scope to spend money and/or undertake work on a wide range of beneficial activities which are not prescribed in other legislation	
Subsidiary powers (Local Government Act 1972, s111):	A very useful enabling power, for a council to do anything (that are not constrained by other legislation) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions			
Permitted development rights (Town and Country Planning (General Permitted Development) (England) Order 2015, part 12)	Councils may erect and operate, without the need to seek planning permission, a wide variety of small buildings, equipment and other structures			

	on their land, for the purposes of any of their functions or public services. This can include a range of small 'green' developments			
Power to comment on planning applications as statutory consultee <i>(Town & Country Planning Act 1990?)</i>	Most planning applications in the parish or town will be sent by the planning authority for comment	Ask that any new building is well insulated and produces as much of its own energy as possible	Caution around any development on low-lying land due to flood risk, and encourage tree and food planting on site	Object to any proposal for development on green field land on the basis of no community benefit – such land is required for food production
Power to work with higher level councils <i>(Local Government Act 1972, ss. 101 & 136)</i>	Section 136 could help with expenditure on a wider range of activities but perhaps more important is to explore Section 101 in detail with districts/ boroughs/ county councils to look at delegated or shared services .			
Power to acquire land <i>(Local Government Act 1972, ss 124, 126 & 127)</i>	Gives Parish Councils the power to acquire by agreement, to appropriate (to dispose of) land –			

	there is no restriction on the use of that land.			
Car sharing schemes <i>(Local Government and Rating Act 1997 s.26)</i>	Gives Parishes the power to establish and maintain a car sharing scheme that benefits the council's area or to assist others in doing so. Now that could be limited to electric cars!			
Improve local biodiversity <i>(Public Health Act 1936 s.260)</i>	Gives the power to maintain or improve ditches and ponds – or pay others to do so. Ponds can be important for local biodiversity.			