

Access to Justice: Climate Emergency



**Policy Clinic, Open Justice centre,
Open University Law School**

*Research report for the Environmental Law Foundation (ELF) undertaken by the
students detailed at Annex 1*

May 2021

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INTRODUCTION

This research was undertaken by the Policy Clinic, which is part of the Open Justice centre, The Open University Law School. Open Justice provides free legal advice and education to members of the public in a variety of legal areas. In 2019, Open Justice established the Online Policy Clinic, to undertake research on behalf of organisations and charities. The purpose of the Policy Clinic is to provide research and evidence, aiming to influence policy and law reform. All work in the Policy Clinic is overseen by experienced Open University tutors who have a background in policy and advocacy work. The students taking part in the policy clinic are in their final year of their law degree.

This research was undertaken by students from The Open University on behalf of the Environmental Law Foundation (ELF); an organisation which provides access to legal advice and action on behalf of individuals and communities and those who may be disadvantaged. ELF is concerned with the changing climate, green spaces and environmental concerns or threats. It is a not for profit organisation and relies on donations and pro bono work from a vast range of educated individuals.

As part of the involvement of The Open University in this project, students were tasked with assisting ELF in conducting research into the current climate change emergency. Students sought to identify the status of local authorities within the East of England and the East Midlands. As part of the initiative of the UK government to achieve net zero carbon emissions throughout all local authorities by 2050, it is essential to determine if a declaration has been made and what progress has been achieved. This information will assist ELF in identifying areas of focus that require positive action. Subsequent to the desktop research, students sought to identify areas in which further information could be requested from the local authorities by requesting information under the Environmental Information Regulations 2004¹.

The instigation of policies and law surrounding climate change is in response to levels of carbon dioxide (CO₂) emissions reaching record highs and resulting in significant changes to the Earth's climate. The UK government sought to address worldwide concerns by setting a target of net zero emissions for the UK by 2050. Consistent with the need to address the concerns of climate change from late 2018, local and national government began to make climate emergency declarations (CEDs). At 24 February 2021, around three quarters of

¹ <https://www.legislation.gov.uk/uksi/2004/3391/contents/made>

council around England and Wales have made CEDs² with many committing to a reduction in carbon emissions, to devising a strategy of implementation and adaptation and engaging with stakeholders in the process.

In collaboration with ELF, The Open University (OU) Justice in Action students sought to identify the following:

1. which local authorities within an allocated region had made a climate declaration?
2. which local authorities within an allocated region had developed a climate change adaptation policy or strategy? and
3. what actions had been taken insofar to prepare for, implement and engage the community with any such policy or strategy?

The list above is not exhaustive and is inclusive of other factors such as offsets, baseline emissions, and scopes for inclusion.

The potential impact of desk research and local authority contact by The Open University students will be beneficial to promoting a common, national understanding of the climate emergency position by ELF. The data identified and the level of engagement potentially identifiable for each local authority will be demonstrable in determining the commitment that local authorities have shown to the climate change issue. Furthermore, the results will provide ELF with the ability to further develop the climate emergency work with local authorities, the government, organisations, communities and individuals to encourage a greater level of participation or to reveal how important this subject is geographically throughout the UK.

We would like to thank ELF for working with us on this research.

² <https://www.climateemergency.uk/blog/list-of-councils/> (accessed 10/5/2021)

PART A: EAST OF ENGLAND

The purpose of this project is to ascertain the commitment of local authorities within the East of England to meet the climate change targets set out by the government.

[....]

4. Conclusion

It is recognised that this is an interim report and forms the first part of ELF's wider project. The further qualitative analysis will form part of the final report to ELF due to be submitted by end June 2021.

Based upon the understanding of the climate emergency and results of the research findings to date, the following conclusions and recommendations are made:

- The local authorities who have not yet made a climate emergency declarations need to do so.
- Where a declaration has been made, the information needs to be more accessible and published by the local authority e.g. by being easily accessible for the public on the council's website.
- Local authorities need to clearly define their included scopes, details of the actions within each scope and the associated data for each (current emission rates etc)
- Very few local authorities had information in relation to a climate adaptation strategy, flooding or overheating. This information should be readily available and inclusive of issues relevant to their geographical location.
- Local authorities need to demonstrate a greater level of stakeholder and community involvement in developing and actioning climate change policies.
- As indicated above, there is a need for further research and analysis of the EI responses and to report on this information that is subsequently gathered.
- There will be value in comparing and contrasting the results from these councils with these results charting the national trends.
- It would also be beneficial to undertake more intensive research into regional and national trends.
- Additionally, there will be value to follow progress of each local authority throughout the process.

The group was successful in identifying the information sought by ELF and was able to provide feedback as a result. The research indicated to the group that the work that had been done so far by local authorities in the East of England was quite superficial in terms of the actions required by 2050. This is indicative that perhaps, the local authorities are not having their progress monitored at a government level.

The results of this research have unanimously led to recommendations that further clarification, detail and commitment is required by almost all local authorities in the area studied by the group.

PART B: EAST MIDLANDS

The purpose of this project is to ascertain the commitment of local authorities within the East Midlands region to meet the climate change targets set out by the government.

[....]

4. Conclusion

Several conclusions can be drawn based on the initial research and findings:

- Local authorities need to be far more transparent in their climate change and associated environmental efforts. A significant amount of time was spent on trying to locate information which was often not available at all. There needs to be more information more readily accessible on council websites for public view.
- The initial rush of declarations in 2019 followed by a noticeable lack of implementations, may suggest the act of publishing a declaration is merely considered to be a 'tick box exercise' by most local authorities.
- Many of the Climate Action Strategies were vague, lacking specific goals or plans on how to realise them. Researchers were left questioning whether local authorities had carefully considered the task they had committed to or appreciated the scale of work needed.
- Researchers could not find evidence of a stocktake of local authorities to assess their collective progress. It brings into question how climate change can be addressed if there is no straightforward way to access relevant information.
- Each Climate Action Strategy is in isolation with no uniform approach among Local Authorities. Mandatory reporting requirements and standards may help in understanding how Climate Change are being addressed across the UK.
- It does not appear to many authorities that the climate change emergency as declared is an emergency at all.

Emma Marshall

Lisa Gamble

on behalf of the Open Justice Centre

The Open University
Walton Hall
Milton Keynes
MK7 6AA

General enquiries to: open-justice@open.ac.uk

Web: <https://www.open.ac.uk/open-justice/>

Twitter: @OU_OpenJustice

ANNEX 1 Students taking part in project

The students were in two groups who worked in the main separately. They came together for the joint meetings to discuss their progress and findings.

East of England

Emma Marshall,
Ibtisam Mohammed,
Grace Emmanuel, and
Megan Connor

East Midlands

Christina Beadle,
Claire McIntyre,
Lisa Gamble, and
Megan Stretton.

Supervising tutors

Gillian Mawdsley, Associate Lecturer (Open Justice Project) , Open University
Dr Paul Stookes, Associate Lecturer, Open University

ANNEX 2 : ELF Research Aims/Briefing Paper provided for the students

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. They focus on participation, access to justice, and promote collective, good decision-making which is at the very heart of civilised, democratic, and stable societies.

ELF provides free information and guidance in-house on environmental issues for individuals and communities. They also work in partnership with university-based law clinics, specialist environmental lawyers and technical experts.³

ELF is running the Climate Emergency Declarations project in partnership with several university law clinics, including The Open Justice's policy clinic. Each university will consider the Local Authorities in a specific geographical region.

The research aims and objectives were:

1. Research and list the Local Authorities in this region, and classify them by the type of authority (County, City, District, Town, Parish etc)
2. Research on how many and which local authorities have made a Climate Emergency Declaration. You will list these and group them by type of authority
3. Research what status have local authorities given their Declarations?
4. What action have these local authorities taken so far to meet their Declaration ambitions? How are the Declarations influencing their decisions?
5. What further action do they need to take and by when to meet their Declaration ambitions? What changes, e.g. to local policy, are required to meet these ambitions?
6. Are any changes required at a national level e.g. to national policy, to facilitate the process? If so, what are these?
7. What are the opportunities for community involvement (at local or national level) in the decision making processes for the changes necessary? What actions can local communities take to ensure effective involvement?
8. How have local authorities involved their communities in the decision making processes around their Climate Emergency Declarations?

³ <https://elflaw.org/about-us/>

ANNEX 3: Local authorities being reviewed -East of England – East Midlands

Climate Emergency Declaration Website⁴

Local Authority reviewed:

Amber Valley Borough Council	www.ambervalley.gov.uk
Ashfield District Council	www.ashfield.gov.uk
Babergh District Council	https://www.babergh.gov.uk
Basildon Council	https://www.basildon.gov.uk/
Bassetlaw District Council	www.bassetlaw.gov.uk
Bedford Borough Council	https://www.bedford.gov.uk/
Blaby District Council	www.blaby.gov.uk
Bolsover District Council	www.bolsover.gov.uk
Boston Borough Council	www.boston.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 District Council	https://www.broadland.gov.uk/
Broxtowe Borough Council	www.broxtowe.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/
Charnwood Borough Council	www.charnwood.gov.uk
Chelmsford City Council	https://www.chelmsford.gov.uk/
Chesterfield Borough Council	www.chesterfield.gov.uk
Colchester Borough Council	https://www.colchester.gov.uk/
Corby Borough Council	www.corby.gov.uk
Daventry District Council	www.daventrydc.gov.uk
Derby City Council	www.derby.gov.uk
Derbyshire County Council	www.derbyshire.gov.uk
Derbyshire Dales District Council	www.derbyshiredales.gov.uk
East Cambridgeshire District Council	https://www.eastcambs.gov.uk/
East Lindsey District Council	www.e-lindsey.gov.uk
East Northamptonshire District Council	www.east-northamptonshire.gov.uk
East Suffolk Council	https://www.eastsuffolk.gov.uk/
Epping Forest District Council	https://www.eppingforestdc.gov.uk/
Erewash Borough Council	www.erewash.gov.uk
Fenland District Council	https://www.fenland.gov.uk/
Gedling Borough Council	www.gedling.gov.uk
Great Yarmouth Borough Council	https://www.great-yarmouth.gov.uk/
Harborough District Council	www.harborough.gov.uk
High Peak Borough Council	www.highpeak.gov.uk

⁴ <https://www.climateemergency.uk>

Hinckley and Bosworth Borough Council	www.hinckley-bosworth.gov.uk
Huntingdonshire District Council	https://www.huntingdonshire.gov.uk/
Ipswich Borough Council	https://www.ipswich.gov.uk/
Kettering Borough Council	www.kettering.gov.uk
Leicester City Council	www.leicester.gov.uk
Leicestershire County Council	www.leics.gov.uk
Lincoln City Council	www.lincoln.gov.uk
Lincolnshire County Council	www.lincolnshire.gov.uk
Luton Council	https://m.luton.gov.uk/
Mansfield District Council	www.mansfield.gov.uk
Melton Borough Council	www.melton.gov.uk
Newark and Sherwood District Council	www.newark-sherwooddc.gov.uk
Norfolk County Council	https://www.norfolk.gov.uk/
North East Derbyshire District Council	www.ne-derbyshire.gov.uk
Northampton Borough Council	www.northampton.gov.uk
North Kesteven District Council	www.n-kesteven.gov.uk
North Norfolk District Council	https://www.north-norfolk.gov.uk/
North West Leicestershire District Council	www.nwleics.gov.uk
Norwich City Council	https://www.norwich.gov.uk
Nottingham City Council	www.nottinghamcity.gov.uk
Northamptonshire County Council	www.northamptonshire.gov.uk
Nottinghamshire County Council	www.nottscc.gov.uk
Oadby and Wigston Borough Council	www.oadby-wigston.gov.uk
Rutland County Council	www.rutland.gov.uk
Rushcliffe Borough Council	www.rushcliffe.gov.uk
Peak District National Park Authority	www.peakdistrict.gov.uk
Peterborough City Council	https://www.peterborough.gov.uk/
South Cambridgeshire District Council	https://www.scambs.gov.uk/
South Derbyshire District Council	www.southderbyshire.gov.uk
Southend Borough Council	https://www.southend.gov.uk/
South Holland District Council	www.sholland.gov.uk
South Kesteven District Council	www.southkesteven.gov.uk
South Norfolk Council	https://www.south-norfolk.gov.uk/
South Northamptonshire Council	www.southnorthants.gov.uk
Stevenage Borough Council	http://www.stevenage.gov.uk/
Suffolk County Council	https://www.suffolk.gov.uk/
Three Rivers District Council	https://www.threerivers.gov.uk/
Thurrock Council	https://www.thurrock.gov.uk/
Watford Borough Council	https://www.watford.gov.uk/
Wellingborough Borough Council	www.wellingborough.gov.uk
Welwyn Hatfield Council	https://www.welhat.gov.uk/
West Lindsey District Council	www.west-lindsey.gov.uk
West Norfolk Borough Council	https://www.west-norfolk.gov.uk/
West Suffolk Council	https://www.westsuffolk.gov.uk/

[...]

