



Net Zero: Local Authority Powers

Report and Recommendations on the powers held by local authorities and their effectiveness in supporting net zero delivery.

Net Zero: Local Authority Powers

EXECUTIVE SUMMARY

1.0 INTRODUCTION

2.0 WHAT POWERS EXIST ALREADY FOR LOCAL AUTHORITIES IN SCOTLAND THAT WOULD BE IMPACTFUL FOR DELIVERY OF NET ZERO TRANSITION

3.0 APPLICATION AND LIMITATIONS OF EXISTING POWERS AND DUTIES FOR LOCAL AUTHORITIES IN PURSUING NET ZERO

4.0 CROSS-CUTTING CHALLENGES THAT IMPACT ON THE ABILITY OF LOCAL AUTHORITIES, AND PARTICULARLY CITIES, TO MAKE FULL USE OF POWERS, DUTIES AND WIDER INFLUENCE THEY HAVE IN PURSUING NET ZERO.

5.0 PROPOSALS TO THE SCOTTISH GOVERNMENT TO SUPPORT SCOTTISH LOCAL AUTHORITIES DELIVER ON CLIMATE ACTION

6.0 NEXT STEPS

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Executive Summary

Context

The UK and Scottish Government have set legally binding targets to achieve net zero emissions by 2050 and 2045 respectively. Local authorities play a critical role in achieving these national targets and Scottish local authorities have a statutory duty to contribute towards these. The ability of local authorities to reduce emissions ranges from cutting direct emissions from their estate, reducing emissions through their procurement decisions to influencing emissions across their area through policy and planning decisions they take. The powers available to local authorities comprise a mix of legislative and non-legislative powers.

Aims

This work was commissioned to independently explore:

- What powers exist already for local authorities in Scotland that would be impactful for delivery of net zero transition, and if they are not being used explore why?
- The key limitations/barriers faced by Scottish local authorities in making use of existing powers and governance arrangements in Scotland to make critical climate change actions (such as resources, capacity, skills, conflicting policy and governance frameworks).
- What changes (for example in the shape of powers, responsibility, and local flexibility) would help Scottish local authorities, and in particular cities, to fully deliver on climate action, and
- What support (in the shape, for instance, of shared capacity, skills and resource) is needed to ensure that they are able to make full use of new and existing powers.

The report is designed to inform a second phase of work that will explore, test and refine of the findings and recommendations through a broader programme of stakeholder engagement.

While recognising that local authorities have relationships with many players that are significant in supporting the capacity of local government to progress net zero (including community groups and businesses) this work focuses on powers linked to the relationship between national and local government.

Findings

Legislative powers and duties linked to net zero and their uptake and application

- Local authorities can draw on a range of legislative powers and duties to make progress in achieving net zero. These encompass both optional provisions (e.g. to introduce a workplace parking levy (WPL) and mandatory requirements (e.g. a requirement to produce a Local Development Plan (LDP)).
- In several areas legislation provides a mechanism that a local authority can chose to apply in a way that facilitates emission cuts (e.g. application of a Traffic Regulation Order (TRO) to support active travel routes, application of parking powers to link vehicle emission to controlled parking policy).
- Local authorities and associated umbrella groups frequently call for greater powers to be devolved to them (linked particularly to revenue raising). In many areas these calls are not

specific to supporting delivery of net zero but to a wider request for more autonomy and responsibility. In the context of net zero the lack of a revenue stream to support investment in low/zero carbon transport is frequently cited as a barrier.

- Some specific limitations of existing powers in helping the transition to net zero have been identified. Examples include the bureaucratic and cumbersome nature of the TRO process; and scope for permitted development rights to be extended more broadly to support elements of low carbon infrastructure.
- In some areas powers available to local authorities with the potential to support delivery of net zero have not been applied for a variety of reasons (including public/political acceptability, or administrative bureaucracy) e.g. congestion charging or council tax energy efficiency discount schemes.
- In several areas where powers have been provided more recently it remains to be seen how widely cities will utilise these powers (e.g. workplace parking levy (WPL)) and/or how ambitious they will be in their application (e.g. identification of heat network areas).
- Local authorities have relatively few duties or obligations that require them to work beyond their boundary, collaborate and co-ordinate approaches with other bodies and support place-based approaches (current efforts to do this are largely voluntary).

Broader (non-legislative) challenges and barriers faced by Scottish local authorities in making use of existing powers and governance arrangements to support the net zero transition

Local authorities face a series of wider challenges/governance issues that constrain their ability to progress the net zero transition. Focusing largely on those linked to the relationship between national and local government these challenges relate to:

- **National policy ambition and clarity:** For local authorities to pursue commitments that go beyond national requirements (e.g. building standards) raises risks including the potential of legal challenges. High ambitions and firmer language (e.g. requirements rather than options) in national policy provides a stronger basis for local authorities to pursue ambitious action, and timely national policy development (e.g. National Planning Framework 4 (NPF4)) is important to provide the backdrop for local policy development (e.g. LDPs).

A lack of policy clarity in areas that require a nationally agreed approach (e.g. heat decarbonisation technology, approach to road user charging), or implementation mechanisms (e.g. retrofit financing model) can hinder local authorities in their ability to plan, and deliver, the net zero transition in their area. Some of these may require, or benefit from, a UK-wide approach.

- **Fiscal policy:** Annual budgets and multiple challenge funding pots are an administrative burden, constrain long term planning and don't always facilitate specific local authority/place based approaches. Accessing private capital is challenging for a variety of reasons.
- **Co-ordination:** Co-ordination between national and local government to support the development and implementation of national policy commitments is patchy and uncertainties remain over critical policy decisions and approaches in key areas.
- **Skills and capacity:** Many local authorities lack skills and capacity in areas critical to delivery of the net zero transition. This includes technical skills (e.g. energy and buildings), and non-technical (e.g. programme management).

- **Leadership:** Net zero is yet to be comprehensively embedded and integrated as a priority across all of Scotland’s local authorities. There is not a mandatory requirement for council officials or elected members to have climate literacy training.

Proposals

Focusing on the relationship between local authorities and the Scottish Government the table below sets out a series of recommendations aimed at supporting local authorities to progress net zero. In several areas proposals are likely to be of particular relevance to city authorities. The recommendations comprise a mixture of transformative and incremental actions and are structured to reflect recommendations that relate to:

- Application and development of legislative powers and duties
- Fiscal levers and approaches
- National policy ambition and clarity
- Co-ordination and implementation support
- Skills, expertise and capacity.

Recommendations

Theme	Proposal
Legislative powers/duties	<p>New revenue raising powers (and autonomy in their deployment)</p> <ul style="list-style-type: none"> • Development and deployment of a mechanism to secure revenue from land value uplift. • Enactment of infrastructure levy (provision in the Planning (Scotland) Act 2019). • Devolution of non-domestic business rates to local authorities (beyond administration). <p>Amendment of existing powers:</p> <ul style="list-style-type: none"> • Revise TRO process to simplify and speed up ability of local authorities to roll-out net zero transport strategies. • Revise permitted development permissions to reduce planning restrictions on microgeneration (e.g. air source heat pumps) and electric vehicle charging infrastructure. • Broaden the powers available to local authorities linked to the provision of maintenance orders that require homeowners to maintain a house/keep it in a reasonable state of report to encompass energy efficiency.

Application of existing powers:

- Support wider adoption/application of measures already enabled through existing powers, for example WPL, LEZs and council tax energy efficiency discount schemes (recognising that these may not be appropriate in all circumstances).

New duties:

- In policy areas critical to delivery of net zero (e.g. traffic demand management) consider translating powers that currently exist (optional) into duties (mandatory) and accompany with appropriate implementation support (e.g. WPL)
- Establish mandatory public sector building standard for new build and major refurbished infrastructure projects (building on the existing voluntary standard).
- Place duties on local authorities to collaborate and support area/place-based approaches commensurate with effective delivery of net zero transition.

Fiscal policy & approach

- Provide multi-year budgets (or indicative budgets as a minimum) to support greater investment and planning certainty to local authorities in their approaches to delivering net zero.
- Streamline challenge funding pots into fewer but larger, and multi-year, streams with greater flexibility and aligned to broader high carbon/challenging to decarbonise sectors and place-based approaches (rather than policy challenge silos).
- Provide expertise & development of models/approaches/templates that support local authorities in accessing private investment.

National policy ambition & clarity

- Provide strong, unambiguous policy and ambition at a national level (e.g. NPF4) and timely clarity in key policy approaches/decisions of critical importance to the ability of local authorities to support the net zero transition.
- Develop nationwide schemes enabling citizens to decarbonise heat and increase the energy efficiency of their home based on credible finance models and consumer protection.

Co-ordination & implementation support

- Explore delivery of a net-zero delivery framework between local and national government (to enable review, discussion and agreement of implementation approaches, address challenges linked to delivery of national net zero policies and targets and enable alignment between national and local targets and pathways).

Skills, expertise & capacity

- Integrate development and roll-out of behaviour change/engagement approaches at a national and local level that to support delivery of key net zero policies in a co-ordinated and effective way.
 - Provide greater engagement for cities in the development of national policy.
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- Support the development of capacity and skills in local authorities to deliver net zero (potentially through the development of a proposed 'Climate Intelligence Service') with the ability to provide or strengthen:
 - Knowledge, expertise on net zero across local authority functions and teams
 - Technical expertise (e.g. linked to energy decarbonisation, accessing private finance)
 - Major project/programme management
 - Procurement/legal expertise
 - Preparation of business cases and presentation of investment proposals
 - Approaches to determining/reporting emissions
 - Climate leadership.

1.0 Introduction

Both the UK and Scottish Government have set legally binding targets to achieve net-zero emissions by 2050 and 2045 respectively and published plans aimed at making progress towards these goals ^{i,ii}. Local authorities play a critical role in achieving these national targets and the Climate Change (Scotland) Act 2009 places a statutory duty on local authorities in Scotland to contribute to these national emission reduction targets.

While many of Scotland's local authorities have been working to cut emissions for decades the last few years have seen a marked increase in the prominence attached to net zero by Scotland's cities/local authorities.

In their most recent reportⁱⁱⁱ Audit Scotland note that:

- 28 Councils have declared or recognise the climate emergency
- 81% of Councils have set targets for the council's own emissions
- 53% have set targets for the council's area wide emissions.

From November 2022 local authorities are required to set out a target date by which they will achieve net zero and set out how they will align their spending plans and use of resources to contribute to reducing emissions and delivering their emissions reduction targets.

1.1 Role of local authorities

In their recent report on Scotland’s councils’ approach to addressing climate change Audit Scotland highlight that ‘The role that councils have to play in addressing climate change is critical if Scotland is to meet its climate change targets’. The Climate Change Committee (CCC) note that:

‘Local authorities are directly responsible for between 2- 5% of their local area’s emissions. However, local authorities have many levers that can be used to deliver wider local action to reduce emissions and prepare local areas for a changing climate...Local authorities have powers or influence over roughly a third of emissions in their local areas.’^{iv}

These levers include reducing their direct emissions (e.g. from their estate), reducing their indirect emissions (e.g. through procurement of goods and services) and influencing emissions across their area and beyond as a result of policy decisions (e.g. planning and development). Figure 1 summarise the controls and influence that local government has on area emissions.

Local government levels of control and influence for area emissions



FIGURE 1 HOW LOCAL AUTHORITIES CONTROL AND INFLUENCE EMISSIONS IN SCOTLAND. CCC 4. REPRODUCED FROM AUDIT SCOTLAND (2022)

Source: [The Climate Change Committee](#)

In a UK context the CCC state that:

‘...these levers alone are not sufficient to deliver local authorities’ Net Zero ambitions, due to gaps in key powers that prevent systems-scale or holistic approaches, policy and funding barriers, and a lack of capacity and skills caused by funding cuts.’

Over the past year the role of local authorities in Scotland in helping deliver net-zero has been the subject of several programmes of work. In late 2021 the Scottish Parliament Net Zero, Energy and Transport (NZET) Committee announced an inquiry into the role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland. The committee have yet to publish their findings. In June 2022 Environmental Standards Scotland (ESS) launched an investigation^v into the systems in place to support local authorities in the delivery of climate change targets. ESS anticipate this concluding in early 2023^{vi}. In September 2022 Audit Scotland published^{vii} a report highlighting the role of councils in addressing climate change and identifying areas where further action is needed.

1.2 Aims

The review was commissioned to independently explore:

- What powers exist already for local authorities in Scotland that would be impactful for delivery of net zero transition, and if they are not being used explore why?
- The key limitations/barriers faced by Scottish local authorities in making use of existing powers and governance arrangements in Scotland as they relate to their ability to make critical climate change actions (such as resources, capacity, skills, conflicting policy and governance frameworks and others).
- What changes (for example in the shape of powers, responsibility, and local flexibility) would help Scottish local authorities, and in particular cities, to fully deliver on climate action, and
- What support (in the shape, for instance, of shared capacity, skills and resource) is needed to ensure that they are able to make full use of new and existing powers.

This report provides the basis for a wider programme of stakeholder/roundtable discussion in order to explore and refine the findings and recommendations further.

1.3 Approach

The work draws on:

- 1) A range of existing information and analysis including evidence provided to the Scottish Parliament's Net Zero, Energy and Transport Committee ongoing inquiry, work published by UK100, CCC, Climate Emergency Response Group (CERG), Audit Scotland, research produced for Aberdeen, Edinburgh and Glasgow (AGE) Chambers of Commerce and material published as part of a review of local governance in Scotland.
- 2) A targeted programme of stakeholder engagement and inquiry comprising interviews with representatives from the 8 Scottish city local authorities, the Sustainable Scotland Network and the Scottish Government.

2.0 What powers exist already for local authorities in Scotland that would be impactful for delivery of net zero transition

Local authorities have three main types of legally binding powers^{viii ix}. These comprise mandatory duties (powers that local authorities have to meet), permissive powers (powers that local authorities are permitted to use) and regulatory powers (powers to monitor businesses operating in their area to protect consumers).

In the context of supporting the delivery of net zero, local authorities have powers that reflect a mix of:

- Broad powers and duties that local authorities can use to progress action towards net zero (e.g. the ability to raise/borrow money, a requirement to act in the way best to contribute to delivering national emission targets).

- Specific powers and duties that rest with local authorities with direct or potential contributions to emission reductions as they relate to a variety of sectors (requirement to produce Local Heat and Energy Efficiency Strategies and Delivery Plans).

While it is not within the scope of this work to comprehensively map all the legislative duties and powers relevant to net zero available to local authorities (the scale of such a task is reflected by a project undertaken by the UK Government in 2011^x), this research identifies some of the most significant and relevant duties and powers (Table 1). The provisions are structured to reflect those that relate to i) overarching/fiscal powers, ii) planning, and iii) several sectors that are particularly significant sources of emissions (buildings/energy and transport^{xi}) from a local authority, and particularly cities, perspective.

Table 1: Legislative duties and powers for local authorities that support, or have the potential to support, a net zero transition.

	Legislative power/duty for local authorities linked to net zero transition	Legislative source	
Overarching/fiscal	Climate targets	Requires local authorities to contribute towards the delivery of Scotland's national emission reduction targets 'in the best way calculated'.	Climate Change (Scotland) Act 2009
	Wellbeing	Provides local authorities with a power to advance wellbeing.	Local Government in Scotland Act 2003
	Best value	Places a duty on local authorities to secure best value (continuous improvement in the authority's functions). Sustainable development is identified as one of seven themes that has to be considered.	Local Government in Scotland Act 2003
	Borrowing	Power to borrow to carry out their functions (finance capital expenditure, support treasury cash flow, lend to other statutory bodies).	Local Government (Scotland) Act 1973 Local Government etc (Scotland) Act 1994
	Procurement	Regulation of procurement. Includes a sustainable procurement duty – requires a contracting authority to think about how it can improve the social, environmental and economic wellbeing of the area it operates in. Also sets the regulated procurement value thresholds.	Procurement Reform (Scotland) Act 2014. Associated statutory guidance: Procurement Reform (Scotland) Act 2014
	Local taxation	Council Tax administration (powers for local authorities to set and administer council tax). Non-domestic rates Powers for collection/administration by local authorities. Recent provisions for relief for renewable energy and district heating through a series of regulations.	Local Government Finance Act 1992 Established in a variety of primary legislation including Local Government (Scotland) Act 1975

Planning

	Legislative power/duty for local authorities linked to net zero transition	Legislative source
Development planning	<p>Requirement to produce a Development Plan and manage development.</p> <p>Requirement to include, in any local development plan, policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies.</p>	<p>Planning (Scotland) Act 1997/Planning Scotland Act 2006/Planning (Scotland) Act 2019.</p> <p>Town and Country Planning (Scotland) Act 1997. Amended through Climate Change (Scotland) Act 2009.</p>
Section 75 agreements	Provision for an agreement between a landowner and local authority. Typically linked to applications for planning permission and can include financial contributions towards infrastructure associated with the development.	Town and Country Planning (Scotland) Act 1997
Infrastructure levy	Provision for statutory framework to implement an infrastructure levy on development (payable to the local authority).	Planning (Scotland) Act 2019
Permitted development	Permitted development rights (microgeneration and air source heat pumps).	Climate Change (Scotland) Act 2009
Renewables	Planning permission – renewable and low carbon energy generation (up to 50 Mw).	Town & Country Planning (Scotland) Act 1997 .

Transport

	Legislative power/duty for local authorities linked to net zero transition	Legislative source
As local roads authority	<p>Provision of footways alongside roads for convenience and safety of pedestrians.</p> <p>Powers (permitted development rights) to make/change street furniture (e.g. cycle lanes, paths), installing EV chargers into street furniture</p>	Roads (Scotland) Act 1984/General Permitted Development Order (class 31)

Transport (continued)

Air Quality Management	Local Air Quality Management duties - duties to monitor and implement action plans if objectives exceeded in local areas Designation of air quality management areas (LA) where standards/objectives not being met/unlikely to be met.	Environment Act 1995
Low Emission Zones (LEZ)	Establishment, modification, effect, operation and enforcement of Low Emission Zones.	The Transport (Scotland) Act 2019
Workplace Parking Licensing (WPL)	Facilitates a local authority (or authorities) to create a requirement to have a licence to provide parking at workplaces, and to charge for that licence based on the number of spaces available.	The Transport (Scotland) Act 2019/ The Workplace Parking Licensing (Scotland) Regulations 2022
Bus services	Facilitates an authority or a council to provide local bus services (potentially directly, or through a company) provided it contributes to the implementation of their general policies. Facilitates the creation of a statutory partnership between a relevant authority (or authorities) and operator(s) to improve bus services in a specified area(s).	Transport (Scotland) Act 2019
Road user charging	Enables local authority (as local traffic authority) to introduce a road user charging scheme and use revenue to fund local traffic improvements.	Transport (Scotland) Act 2001
Speed limits	Ability to change speed limits offers the potential to support active travel and demand management approaches.	Road Traffic Regulation Act 1967/1984/Scotland Act 2016
Parking restrictions	Parking (restrictions/charges) – e.g. car park fees, controlled parking schemes (with potential to linked to emissions/engine size for example)	Road Traffic Regulation Act 1984 Traffic Regulation Order
Traffic Regulation Orders (TROs)	Powers to restrict traffic in defined areas (e.g. can be used to encourage walking and cycling).	Road Traffic Regulation Act 1984
Taxis	Taxi licensing – creation, management and enforcement of taxi licensing regimes.	Civic Government (Scotland) Act 1982
Parking restrictions	Pavement parking – powers for local authorities to implement/enforce restrictions on pavement and double parking.	Transport (Scotland) Act 2019
Transport planning	Establishment of regional transport partnerships to strengthen planning and delivery of regional transport strategy.	Transport (Scotland) Act 2015

	Legislative power/duty for local authorities linked to net zero transition	Legislative source
	Energy efficiency – building standards	Building standards administration and enforcement. Building (Scotland) Act 2003/Energy Performance of Buildings (Scotland) Regulations
	Energy efficiency - standards and communal/tenement improvement	Proposals to regulate to set energy efficiency minimum standards for owner occupier sector (EPC C by 2033) and develop legislation to support communal/tenement improvements in energy efficiency. Proposals
	Energy efficiency – assessment	Assessment of energy efficiency (non-domestic). Climate Change (Scotland) Act 2009
	Energy efficiency – council tax discount	Requirement for local authorities to establish energy efficiency discount scheme linked to council tax. Climate Change (Scotland) Act 2009 (amended Local Government Finance Act 1992)
	Energy efficiency – EPC enforcement	EPC – place obligations on building owners to provide an EPC when buildings are sold or rented, establishes local authorities as the enforcement authority. The Energy Performance of Buildings (Scotland) Regulations 2008.
	Energy efficiency – EPC enforcement	Require private rented landlords to improve the energy efficiency of domestic private rented sector property and set a minimum level of energy efficiency based on the energy performance certificate (EPC) for the property. From 1 April 2022 minimum level set as EPC energy performance indicator D. Energy Act 2011. The Energy Efficiency (Domestic Rented Property) (Scotland) Regulations 2020.
	Local Heat and Energy Efficiency Strategies (LHEES)	Duty on local authorities to produce Local Heat and Energy Efficiency Strategies (LHEES) and Delivery Plans by 31 December 2023, and subsequently on a 5 yearly cycle. Climate Change (Scotland) Act 2009. The Local Heat and Energy Efficiency Strategies (Scotland) Order 2022
	Energy efficiency – social housing	Requirement for local authorities to produce a housing strategy and ensure their housing stock meets minimum standards of energy efficiency set for the social housing sector through Energy Efficiency Standard for Social Housing (ESSH). Housing (Scotland) Act 2001

Energy (continued)

Maintenance/ improvement	Powers for local authorities to serve maintenance orders requiring homeowners to maintain a house/keep it in a reasonable state of repair. Energy efficiency improvements are not currently included in this provision.	Housing (Scotland) Act 2006
Energy production	Powers to: - produce heat or electricity or both; - establish and operate such generating stations and other; - buy or otherwise acquire heat; - use, sell or otherwise dispose of heat produced or acquired, or electricity produced, by the authority by virtue of this section; - construct, lay and maintain pipes and associated works to convey heat produced or acquired by the authority and steam produced from and air and water heated by such heat.	Local Government in Scotland Act 1973
Heat	Enables designation of local authority as consent authority for the area of the local authority, detail process for local authorities to deal with heat network consent applications	Heat Networks (Scotland) Act 2021
	Each local authority must carry out a review to consider whether one or more areas in its area is likely to be particularly suitable for the construction and operation of a heat network, consider making a request to the SG for designation of a heat network zone	Heat Networks (Scotland) Act 2021

Annex A provides a summary of the relevant provisions by legislation.

3.0 Application and limitations of existing powers and duties for local authorities in pursuing net zero

As noted in Section 1, alongside the specific powers and duties provided to local authorities through legislation they can also draw on a wider range of tools and approaches to control and influence emissions. This chapter explores these powers, duties and wider governance opportunities in more detail including their uptake, application and limitations/challenges in deployment.

This section is structured as follows:

- Overarching powers and fiscal levers (spending, borrowing, procurement, revenue raising, procurement)
- Climate targets and climate reporting
- Planning and development

This section then explores specific duties and powers that local authorities have in the two sectors of transport and energy (given the particular significance of these sectors in achieving net zero cities) and challenges and limitations associated with these duties.

3.1 Overarching powers and fiscal levers

Local authorities have a variety of general legislative powers that can, or may be relevant to, supporting them in a net zero transition. These include broad powers (e.g. to advance wellbeing), duties (e.g. to ensure Best Value) and fiscal powers (e.g. to borrow money). Alongside this they can draw on a range of fiscal mechanisms to support net zero transition.

3.1.1 Power to Advance Wellbeing

The Local Government in Scotland Act 2003 provides local authorities with the power ‘to do anything which it considers is likely to promote or improve the well-being of-(a) its area and persons within that area; or (b) either of those.’ The legislation provides the power to incur expenditure and provide financial assistance (to benefit the whole or any part of the area of the local authority and people within or outside of the area). The legislation does not enable a local authority to do anything for the purposes of enabling the authority to raise money by levying or imposing any form of tax or charge, by borrowing or otherwise.

Feedback gathered as part of the Local Governance Review consultative process^{xii} reported that:

‘As multiple responses make clear, this power is “so hedged with restrictions that it verges on being unusable,” and does not meet the purpose for which it was originally intended. In particular, the Power does not allow raising of any monies through taxation or charges. Given the existing financial climate, there may be an expectation that Local Government ought to have the powers to raise income.’

Many responders to the Local Governance Review called for the Power of Well-being to be replaced with a ‘Power of General Competence’ accompanied by tax and revenue raising powers and the power to borrow to support capital expenditure. Local authority representatives interviewed as part of this work did not view the Power to Advance Wellbeing as being useful and instead noted their preference to have flexible and wide-ranging revenue raising powers available to them in order to enable them to move faster in progressing net zero (discussed in more detail in Section 3.1.3).

3.1.2 Best Value

The Local Government in Scotland Act 2003 includes a Duty to secure Best Value (described as continuous improvement in the authority's functions). The most recently revised statutory guidance on Best Value was published in 2020^{xiii}. Sustainable development forms one of seven themes and the guidance states that:

'In achieving Best Value, a local authority will be able to demonstrate the following:

- Sustainable development is reflected in its vision and strategic priorities.
- Sustainable development considerations are embedded in its governance arrangements.
- Resources are planned and used in a way that contributes to sustainable development.
- Sustainable development is effectively promoted through partnership working.

Local authorities' performance in relation to the duty of Best Value is audited by Audit Scotland. Several stakeholders interviewed highlighted the significant weight attributed to Best Value duty by local authorities and noted that the legislation and guidance predates the prominence now attached to net zero/climate emergency. This triggered some questions as to whether the duty, or the interpretation and application of it, hinders the ability of local authorities to place sufficient emphasis on net zero in decision making processes (including procurement). This is an issue that may apply across public sector procurement rather than being exclusive to local authorities.

3.1.3 Fiscal

Local authorities have a range of fiscal mechanisms available, or potentially available, to them that can be drawn on to progress delivery and /or finance net-zero ambitions. These include:

- i) Integration and prioritisation of climate considerations across all spending decisions relating to their block grant and local taxation income (e.g. through procurement) (aka greening/climate-proofing finance spend).
- ii) Accessing Scottish Government ring-fenced/challenge focused funding either directly (e.g. LHEES pilot programme) or indirectly (e.g. through intermediary bodies like Sustrans and the Energy Savings Trust) linked to supporting action/delivery in specific areas like energy efficiency and active travel.
- iii) Public or private borrowing (from a range of sources including Public Works Loan Board, UK Municipal Bond Agency^{xiv}, Community Municipal Investments, Salix Loans).
- iv) Making use of Section 75 agreements (for example to secure a contribution from a landowner to the Council as part of a planning process). These can be used to support particular local authority policy priorities.^{xv}
- v) Local taxation/levy/revenue powers (for example linking council tax to energy efficiency, introducing a workplace parking levy).

A variety of challenges and constraints linked to fiscal approaches available to local authorities to support a transition to net-zero have been identified.

Scale and nature of public funding

Local authorities continue to highlight the financial pressure they are under and concerns that reductions in their core grant has reduced the capacity of local government to respond to the climate emergency ^{xvi}. Other stakeholders have echoed concerns about the implications that the pressure on local authority budgets has for delivering progress on net zero ^{xvii}. While recognising the wider constraints on public finances (and that accessing private capital will be imperative given

the scale of investment required) a variety of issues have been identified that limit local authorities ability to use the public funding available to them to support delivery of net zero in an optimum way.

Many stakeholders have expressed concerns/frustrations/limitations associated with:

- i) Annual funding settlement/agreements^{xviii} and associated lack of funding certainty. ^{xix}
- ii) The multitude of differing ring-fenced funding pots established to support delivery of specific national policy commitments ^{xx}.
- iii) The existence of a combination of local and national funding programmes ^{xxi}.
- iv) Lack of alignment between national policy and legislative frameworks and associated funding/budget arrangements with a place-based delivery approach ^{xxii}.

Collectively these issues result in a series of challenges in supporting delivery of net-zero projects that include:

- The inability to plan, develop and maintain momentum for projects over multiple years.
- Administrative resources associated with bidding and reconciling multiple sources of funding to make a project viable or re-bidding on an annual basis, and
- Flexibility to deliver integrated projects/programmes (for example at a place-based level) using multiple narrow policy/challenge focused funding pots.

CoSLA have called for local authorities to have ‘...fewer, but larger and more flexible funding streams which they can use locally to meet different challenges’^{xxiii} and the consultation analysis from the second stage of the Local Governance Review reported that:

‘The continued trend of one-year budgets makes collaboration and committing to undertaking medium-long term projects difficult. It creates uncertainty. Several responses indicated the need for at least three-year funding settlements to enable engagement with communities and partners in regard to decision making, strategic planning and service delivery.’^{xxiv}

In their 2030 Climate Strategy^{xxv} the City of Edinburgh Council call for the Scottish Government to work with public bodies to ‘develop joined-up funding streams to deliver place-based investment at a scale which supports the transition to net zero.’

Borrowing

Section 69 of the [Local Government \(Scotland\) Act 1973](#) enables local authorities to borrow money. The purposes (set out in the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016 include:

- Capital expenditure of the local authority
- Grants to third parties to fund their capital expenditure
- Direct expenditure on third party assets if that expenditure is capital expenditure
- Treasury management activities
- Lending to other statutory bodies

Borrowing for other purposes requires the consent of Scottish Ministers. The regulations do not prescribe where a local authority can borrow from or borrowing type.

One of the suggestions made during the second consultation strand of the Local Governance Review^{xxvi} was that local authorities should have greater powers to allow them to:

‘borrow without Ministerial consent to support capital expenditure under a Power of General Competence (see paragraph 3.9). This is to allow Local Authorities to borrow for others, including ALEOs^{xxvii}, providing Best Value and State Aid requirements can be satisfied.’

Several local authority representatives noted that the issue they face is less about their ability to raise capital but more about their ability to develop revenue streams to repay borrowing.

Accessing private capital

Local authority (and private finance stakeholders) have flagged up challenges associated with the ability of local authorities to develop investible propositions of a scale that is appealing to a private investor and viable. Particular challenges identified include:

- The capacity and expertise required within local authorities to work up a viable/investible proposition/pipeline.^{xxviii}
- Development of investment mechanisms which provide a revenue income/steam.^{xxix}
- The complex and fragmented nature of many areas requiring investment (e.g. retrofit of properties).^{xxx}
- The need to collaborate / aggregate across local authority boundaries to develop business cases of sufficient value to appeal to private investors.^{xxxi}
- Tensions around where the risks and rewards fall in developing approaches including what is appropriate for local authorities to do (i.e. compatibility with best value duties in supporting mechanisms which provide profit for private investors) and where/how the risks vs returns are shared.^{xxxii}
- Translation of national commitments or pathways into more specific local/regional plans (e.g. heat decarbonisation) to enable these to be packaged/presented in a level of detail and with associated certainty to provide investors with the confidence to invest.^{xxxiii}

Procurement

The Procurement Reform (Scotland) Act 2014 includes a requirement for a contracting authority to consider social, environmental and economic wellbeing considerations as part of any procurement process (commonly referred to as a sustainable procurement duty). However, a number of stakeholders have expressed concerns about how effectively procurement is helping local authorities drive progress towards net zero. These concerns include:

- Many stakeholders suggest that the emphasis in procurement remains on up-front costs rather than long-term costs and therefore more favourable bids from an emissions perspective can lose out to less favourable ones with cheaper up-front costs and that the weightings continue to favour cost.^{xxxiv, xxxv, xxxvi}
- The principle/priority attached to net zero isn't always embedded adequately across all directorates/procurement staff (or at an early enough stage in the process) in local authorities.^{xxxvii} Limited understanding of procurement rules and guidance and concerns of the potential for legal challenge can limit how effectively net zero considerations are integrated.^{xxxviii}
- Limitations linked to the regulated procurement threshold (limited to £50k for goods and services) and lack of flexibility with regulatory frameworks (including those relating to Best Value).^{xxxix}

Climate proofing spend

In evidence to the NZET Committee Louise Marix Evans (author of several reports for the CCC and UK100 on local authorities and climate action) has suggested that:

'Making Net Zero a screening check for spending decisions would remove the dilemma faced between short term spending pressures and long term benefits.'^{xi}

Glasgow City Council have committed to developing such an approach in their Climate Plan.^{xii}

Local taxation

Local authorities are responsible for:

- Administering and collecting revenue from non-domestic rates (the Scottish Government sets the non-domestic tax rates and distributes the revenue back to local authorities).
- Setting the rate of council tax, administering and collecting the tax and determining how the income is allocated to fund local services (for many years the Scottish Government have frozen or capped any rise that local authorities could impose to 3% but the Scottish Government budget 2022-2023 committed to removing this 'We will provide full flexibility to local authorities in setting council tax rates – enhancing their fiscal autonomy.'^{xiii})

Of relevance to cutting emissions they also now have the power to introduce a workplace parking levy (discussed further in Section 3.4).

Wider revenue powers

CoSLA have previously called for greater tax revenue powers to be devolved to local government (beyond Council Tax and Non-Domestic Rates) and to have discretion to determine how the revenue is used^{xiii}. In their report 'Scotland' Urban Age 2022'^{xiv} for the collective Aberdeen, Edinburgh and Glasgow chambers of commerce the authors made a recommendation to:

'Devolve meaningful tax raising and other fiscal powers to our cities to allow them to fund investment and deliver programmes that reflects local needs and opportunities.'

The analysis of responses from the public service governance consultation^{xv} notes the desire from Local Authorities to replace the Power to Advance Wellbeing with a Power of General Competence which would include responsibility for local taxation.

Many of the calls for local authorities to have greater revenue raising powers do not explicitly link the need for these powers to the delivery of net zero however several references have been made on linking the need to secure a revenue stream to support investment in transport/alternatives to the car^{xvi}. Representatives from a number of local authorities have called for the introduction of a mechanism to capture revenue as a result of an increase in land value to support investment in transport^{xvii}, and in their Programme for Government 2021-2022^{xviii} the Scottish Government committed to developing a mechanism to capture land value uplift:

'We will deliver an effective, fair mechanism for capturing, for public benefit, a share of the increase in land value that occurs when development is supported through the planning system. This will be with a view to new legislation in 2023-24, taking into account powers for an infrastructure levy introduced in the Planning Scotland Act 2019.'

In the context of supporting Scotland's emission reduction targets the Scottish Government Update to the Climate Change Plan 2018-2032 stated that:

'We will consider how our local tax powers, such as council tax and non-domestic rates, could be used to incentivise or encourage the retrofit of buildings. We will commission further analysis to identify potential options, to be implemented from the middle of the decade where appropriate, subject to consultation and public engagement.'^{xlix}

3.1.4 Overarching and fiscal powers: legislative powers and duties summary

Table 2 provides a summary assessment of the application of overarching and fiscal legislative duties and powers available to local authorities that are of relevance, or potential relevance, to the net zero transition.

Table 2: Application of overarching and fiscal legislative duties and powers for local authorities of relevance to net zero. RAG key: Green = extensive, Amber = limited, Red = zero/minimal application.

Legislative provision for local authorities linked to net zero transition	Assessment of current application in supporting local authority net zero transition	
	RAG	Commentary
Power to advance wellbeing	Red	Not used. Too broad. Excludes revenue raising.
Duty to secure best value	Green	Unclear – potential challenges linked to lack of reference to net zero in guidance and integration of net zero into procurement identified.
Power to borrow to carry out their functions	Amber	Limitations in current borrowing powers.
Regulation of procurement.	Amber	Several barriers in application of procurement to support net zero (technical and procedural).
Council Tax administration	Red	Minimal application (& take-up) of energy efficiency discount duty.
Non-domestic rates (collection)	Amber	No autonomy for local authorities to set policy. Some national provisions support net zero (e.g. renewables relief). Scope for further relief/provisions to support net zero.

3.2 Climate targets and climate reporting

The Climate Change (Scotland) Act 2009 places a broad legislative requirement on councils to support the delivery of national emission reduction targets 'in the way best calculated'. Under the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 and the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020 local authorities have a requirement to report annually on compliance with the public duties and from November 2022 a:

- Requirement to include target dates for achieving net zero (where applicable)/equivalent targets that demonstrate how the body is contributing to Scotland achieving its emissions reduction targets.
- Requirement for listed public bodies to provide information in their annual reports about how the body will align its spending plans and use of resources to contribute towards delivering its emissions reduction targets.

As noted by Audit Scotlandⁱ 'there are no specific legal requirements for councils to set area-wide emissions targets' although a number of councils have established these.

CoSLAⁱⁱ noted the need for:

'...a consistent approach to collation, reporting and monitoring of emissions and welcome the high level findings of the recent climate intelligence service work undertaken by ECCI, which offer a way to support Local Authorities with area based emission reduction plans.'

The ECCI-Scottish Cities Alliance Carbon Scenario Tool Pathfinder Projectⁱⁱⁱ concluded that

'There is a need to develop national standards and guidelines for setting area-wide boundaries, and to use these as the foundation for centralising the collection, processing and management of a national emissions dataset for baselines and annual monitoring.'

3.3 Planning and development

As reflected in Table 2 local authorities have a range of powers and duties linked to planning and development with links to securing net zero. Responsibilities cover producing a local development plan and managing development.

These mechanisms have obvious implications for emissions associated with buildings and transport and contributing to national commitments to 20 minute neighbourhoods, 20% reduction in vehicle kilometres and supporting the roll out of heat networks.

In the context of meeting net zero, Heads of Planning Scotland suggest that 'The planning system can do more, and Local Development Plans have a central role to play in this.'ⁱⁱⁱⁱ Scottish Water have proposed the progression of net zero as a key test in planning decisions^{liv}.

3.3.1 NPF4:

Several local authorities highlight the significance of net zero being embedded in the planning system. Susan Aitken (Glasgow City Council) suggested that net zero needs to be:

'hard-wired into the planning system in the first place as a basic, fundamental requirement. National planning framework 4...represents a massive opportunity to make that shift and take the next step. In Scotland, we already do very well in planning around sustainability, but we clearly need to go further and embed all development being sustainable and as close as possible to net zero.'^{lv}

Heads of Planning Scotland highlight the significance of such national policy frameworks in providing a framework for local authority decision making, ensuring planning colleagues make informed and appropriate decisions are made and providing a legal basis for decisions^{lvi}. Given the significance of NPF they suggest that policies proposed in NPF4 need to be strengthened:

'we need policies that talk about people being "required" to do something or which use the word "must", not policies that use words such as "should" or "could". That type of policy language will be important.'

In response to the NPF4 consultation several local authority stakeholders further emphasise this point including CoSLA^{lvii} and Edinburgh Council^{lviii} who note that:

‘Delivery of the strategy is dependent on the strength of the policy wording that is taken in to NPF4, and the Council’s view is that there should be much greater use of requirements for change rather than support for change; the wording of the position statement in many cases suggests the former rather than the latter. To give robustness to policy, and its informing of Local Development Plan policies, this needs to be carefully considered’

3.3.2 Local Development Plans

As noted above many local authority stakeholders highlight the significance of strong national commitments (e.g. NPF4) in enabling them to develop and implement local development plans that accord with these without fear of legal challenges associated with going beyond national requirements. Local authority stakeholders suggest that timely development of ambitious national policy (e.g. NPF4) can then cascade to local authorities enabling them to enact and implement these ambitions through their own policy process (e.g. local development plans).

Noting the need for LDPs to comply with national policy, the City of Edinburgh Council identify the benefits of stronger national requirements in enabling local authorities to embed net zero in development decisions:

‘Cities’ local development plans need to comply with national policy and so are inherently dependent on national policy updates to make progress on net zero. Ensuring the national planning policy context allows local authorities to secure better proposals from developers is key to how development on the ground is shaped.... The stronger the national requirement, the more it can do to embed net zero action across all aspects of development.’^{lix}

Sustrans have identified that many developments are still being planned in sites that were identified in LDPs devised in an outdated policy context and that:

‘local government should be encouraged to revise LDPs, remove inappropriate sites and refuse for consent for unsuitable development with confidence that they will be backed by the Scottish Government should decisions be referred to ministers.’^{lx}

Several other challenges have been identified by local authority representatives linked to the effective development and delivery of LDPs. These include the lack of capacity in local authority planning teams and the risk associated with the move to 10 year LDP period of LDPs not being appropriately updated to reflected emerging considerations linked to the net zero transition.

3.3.3 Permitted development powers

Several stakeholders have suggested that the application of permitted development powers should be further explored/extended in several areas ^{lxi, lxii} to speed up the process of adoption and roll out of some net zero technologies and infrastructure including:

- Examples of EV chargers in retail situations which are covered by permitted development in England but not in Scotland.^{lxiii}
- Heat networks and micro renewable technologies.^{lxiv}

In their written evidence to the NZET Committee, the Energy Savings Trust have suggested that the Scottish Government proceed with their commitment to review Permitted Develop Rights for technologies which can help respond to net zero as quickly as possible. ⁶³

3.3.4 Planning and development obligations (Section 75 agreements /Infrastructure Levy)

Local authorities cite the application of Section 75 agreements to help fund ambitions linked to net zero. Edinburgh Council developed a model agreement that has been used to help support the roll-out of the City Car Club and secure financial contributions towards the development of the tram.^{lxv} However limitations and challenges linked to drawing on Section 75 have also been flagged including:

- Concerns around the lack of flexibility that Section 75 offers in what can be funded,^{lxvi} including reference to the failed attempt by Aberdeen City Council to apply Section 75 to secure developer contributions to support a strategic transport fund.^{lxvii, lxviii}
- The limited funding available via this route compared to the scale of the challenge.^{lxix}

Edinburgh Council also referred to the potential for a wider approach that would enable a local authority to secure financial contributions from developers to support local infrastructure needs that is less restricted than the current conditions for Section 75. The Planning (Scotland) Act 2019 makes provision for local authorities to impose an infrastructure levy linked to development. This provision is yet to be enacted and no guidance has been produced by the Scottish Government on this. Some stakeholders indicated a concern that the provision may not be enacted at all.

3.3.5 Other mechanisms

Local authorities are responsible for planning decisions for renewable and low carbon energy generation schemes within their area up to a capacity of 50 megawatts. In written evidence to the NZET Committee inquiry Scottish Renewables raised concerns about an increase in the time taken by council planning departments to process renewable energy planning applications due to lack of capacity.^{lxx} Others local authorities have raised concerns about the resources they have available to engage with the energy regulator, network owners, network operators and private sector developers.^{lxxi}

3.3.6 Planning and development: summary of legislative powers and duties

Table 3 provides a summary assessment of the application of some of the key planning and development powers and duties linked to net zero for local authorities.

Table 3. Application of legislative planning and development duties and powers for local authorities relevant to net zero. RAG key: Green = extensive, Amber = limited, Red = zero/minimal application.

Legislative provision for local authorities linked to net zero transition	Assessment of current application in supporting local authority net zero transition	
	RAG	Commentary
Requirement to produce a Development Plan and manage development.	Amber	Challenges linked to ambition of national policy and capacity in local authorities.
Provision for statutory framework to implement an infrastructure levy on development.	Red	Provision yet to be enacted.
Section 75: Provision for agreements to secure funding towards infrastructure needs linked to a development.	Amber	Local authority can only develop and apply where specific policy tests are met. Linked to explicit needs of the development rather than be used to support wider programme/strategy.
Permitted development rights.	Amber	Widely applied. Scope for extension of permitted development powers to support net zero (e.g. wider microgeneration, EV charging infrastructure).
Planning permission – renewable energy (up to 50 Mw).	Amber	Planning capacity challenges for local authorities.

Key sectors

The two sectors of transport and energy are significant sources of emissions in local authority areas.

3.4 Transport

Local authorities have significant powers and influence over transport with variety of tools available to them to influence decisions in line with progress towards net zero. Section 3.3 highlighted how planning and development decisions play a key role and this section identifies additional levers that local authorities have available to them including some of their key legislative powers on transport.

In response to a question about whether local authorities had the powers they need to deliver net zero transport as part of the NZET Committee inquiry Ewan Wallace (Society of Chief Officers of Transportation in Scotland) noted that:

‘...as local authorities, we have lots of powers, but as much as anything, what we need is a little more certainty around some of the funding streams. That is often the biggest challenge

for us...We have most of the powers that we currently require; the issue is how we apply them in a more collaborative way.¹ lxxii

A number of challenges linked to the powers and duties available for local authorities in decarbonising transport have been identified.

3.4.1 Supporting Active travel

Traffic Regulation Orders (TROs)

TROs can be used to support active travel/public transport and manage demand (e.g. enabling closure of roads/implementation of parking restrictions). They can also be drawn on to design approaches to controlled parking (e.g. linking permit payment fee to vehicle emissions as implemented in Edinburgh).

However local authorities face a number of challenges in drawing on TROs and these include the cumbersome and lengthy administrative process. In evidence to the NZET Committee Adam McVey (Edinburgh Council) noted 'That process is long and archaic, and it has to change'.^{lxxiii} CERG have called for the Scottish Government to amend the regulations around TROs and Redetermination Orders to enable local authorities to speed up delivery of sustainable transport projects.^{lxxiv}

Funding

Local authorities can bid for funding to support active travel projects from a variety of Scottish Government partners (for example Places for Everyone – Sustrans, E-bike grants and loans – Energy Savings Trust, via Regional Transport Partnerships support – Sustrans). Local authorities often need to secure match funding, reconcile funding from differing sources and/or bid for project funding on an annual basis. This results in an administrative burden and lack of certainty and doesn't always provide a mechanism to deliver funding on a more place-based approach.

Guidance

Sustrans have raised concerns that the guidance available for local authorities on active travel is limited/out of date and should be updated to reflect the National Transport Strategy and the Climate Change Plan.^{lxxv}

3.4.2 Demand management

LEZs and congestion charging

Powers exist for local authorities to introduce congestion charging (Transport Scotland Act), however no local authority has implemented this in Scotland. Local authorities have highlighted concerns around public/political acceptance of congestion charging including opposition from surrounding local authorities (as per experience when Edinburgh proposed introducing congestion charging in 2002).

Powers exist for establishing, operating and enforcing LEZs. Legislation provides for local authorities to use the proceeds from an LEZ for specific purposes of administering the scheme or facilitating the objectives of an LEZ air quality and climate mitigation. In their Transition to Net Zero Carbon Action Plan^{lxxvi} the SCA commit to 'Formulate Zero Emissions Zones that phase in bans to petrol and diesel vehicles by 2030'. LEZs are in the process of being introduced in several cities in Scotland (Aberdeen, Dundee, Edinburgh, Glasgow). The Scottish Parliament Information Centre (SPICe) highlight that the areas covered by LEZs in these four cities are relatively small.^{lxxvii} In evidence to the NZET Committee Adam McVey noted that the extent of the LEZ area for Edinburgh was constrained by policy reasons:

'If all policy constraints were removed and we were able to craft it exactly how we wanted, we would probably have gone for a citywide low-emission zone, but that is not workable for our city for a whole host of reasons to do with the way the policy is shaped.'^{lxxviii}

The reduced area coverage of the Edinburgh LEZ proposal has also been attributed to the environmental benefits not outweighing the economic impacts^{lxxix}.

In relation to road pricing the Edinburgh City Mobility Plan^{lxxx} states 'If necessary, explore the introduction of a "pay as you drive" road charging system to encourage use of sustainable modes of travel and reduce congestion.' In their Transport Strategy (Final Policy Framework)^{lxxxi} Glasgow City Council state a policy to:

'Lobby the Scottish Government and Transport Scotland to introduce road pricing / road user pays proposals at a national level with detailed guidance for regional schemes.'

Workplace Parking Licensing (WPL)

Powers exist for local authorities to establish workplace parking licensing (sometimes referred to as workplace parking levy) should they choose to do so. The powers provide for local authorities to use the revenue from such schemes to support the policies in their local transport strategy. WPL schemes are under consideration by Edinburgh Council^{lxxxii} and Glasgow Council^{lxxxiii}. In their Transport Strategy, Glasgow City Council commit to:

'Continue to develop a Workplace Parking Licensing scheme for the city to tackle long-stay parking ...and support modal shift to sustainable modes for the journey to work. Any surplus revenue from such a scheme will be ringfenced to fund sustainable transport interventions from the Glasgow Transport Strategy and linked plans.'

Challenges exist relating to public/political acceptability with some industry groups including the Scottish Chambers of Commerce outlining their strong opposition to the introduction of such schemes^{lxxxiv}. Several cities including Perth^{lxxxv}, Dundee^{lxxxvi} and Aberdeen^{lxxxvii} have ruled out introduce a WPL in the near future.

In evidence to the NZET Committee, the Confederation of Passenger Transport highlighted the significance of political will to have conversations on demand management measures like WPL and congestion charging:

'Essentially, you would need to manage demand and consider things such as having a workplace parking levy and have a debate around congestion charging. Local authorities should have those tools in their kit for when they are required. They will not be required in all local authorities, but they should be options that can be considered. It is about whether there is the political will to have those difficult conversations.'^{lxxxviii}

Discussions with some local authority stakeholders suggested that pursuing a mandatory, rather than optional approach (for example creating a duty for specific cities to establish WPL or congestion charging) remove the politicised nature of such decisions locally and could speed up the transition to net zero.

3.4.3 Other mechanisms

Local authorities can draw on legislative provisions to support other aspects of decarbonising transport. As noted in Section 3.3.4 Edinburgh City Council have used S.75 agreements to secure investment in the Edinburgh city car club scheme. Dundee have deployed their powers linked to taxi testing fees and taxi licensing to support the update of electric vehicles in the taxi fleet^{lxxxix, xc} with the result that 25% of the city's taxi fleet is now electric. Drawing on their powers to introduce and enforce parking control measures Edinburgh has introduced a system that links residents' controlled parking permits to either a vehicle's carbon dioxide (CO₂) emissions or engine size (depending on

when the vehicle was registered). Many local authorities have used their powers to reduce speed limits in built up areas to 20mph and the Scottish Government and Scottish Green Party Shared Policy Programme^{xci} commits that ‘all appropriate roads in built up areas will have a safer speed limit of 20 mph by 2025.’

The Transport (Scotland) Act 2019 introduced powers that enable a local authority to provide local bus services and/or create a statutory partnership with bus operators to improve bus services. This study hasn’t explored the application of these provisions further.

3.4.4 Mobility: legislative powers and duties summary

Table 4 provides a summary assessment of the application of legislative duties and powers linked to transport that are available to local authorities and of relevance, or potential relevance, to the net zero transition.

Table 4. Application of legislative transport duties and powers for local authorities relevant to net zero and RAG application assessment. RAG key: Green = extensive, Amber = limited, Red = zero/minimal application.

Legislative provision for local authorities linked to net zero transition	Assessment of current application in supporting local authority net zero transition	
	RAG	Commentary
Low Emission Zones		In development in four cities. Coverage limited.
Workplace Parking Licensing		Under consideration by two cities.
Road user charging		Not deployed in any city
Speed limits		Widely deployed
Road Traffic Regulation Orders (TROs)		Widely deployed but administrative burden to deploy
Parking (restrictions/charges)	Varied	Car parking fees, controlled parking schemes linked to emissions/engine size: Ambition and approaches linked to supporting net zero vary by city. Pavement/double parking: Secondary legislation yet to be completed linked to enforcement.
Taxi licensing (creation, management and enforcement)	Varied	Approaches and ambition varies by city (e.g. Dundee use to support EVs in taxi fleet).
Local roads authority (provision of footways, permitted development rights to make/change street		No specific mention/reference identified in literature or stakeholder discussion beyond issues identified with the TRO process.

furniture (e.g. cycle lanes) & install EV chargers .	
Provision of local bus services/creation of a statutory partnership to improve bus services in a specified area.	Relatively new legislative provision – not explored as part of this work.
Local Air Quality Management duties.	Not explored as part of this work but links to LEZs.
Regional transport partnerships.	Not explored as part of this work although significance of co-ordination between local authorities on infrastructure linked to net zero identified as critical.

3.5 Energy

In their evidence to the NZET Committee xcii Heads of Planning Scotland note that 'Energy will be the major challenge for local government in getting to net zero, both from a policy setting and operational perspective.' Local authorities have a breadth of duties and powers linked to energy generation and energy efficiency

3.5.1 Minimum standards

As noted in the planning section local authorities have identified the challenges of moving ahead of national policy (for example enforcing standards which go beyond minimum national requirements) and therefore identified the importance of having ambitious national standards (e.g. building standards) that they can draw on to implement and enforce at a local authority level.

3.5.2 Finance

As noted in Section 3.2 local authorities face a range of challenges linked to securing the necessary investment to retrofit buildings including:

- Annual challenge-led Scottish Government funding which brings uncertainty for procuring/managing major programmes, maintaining momentum and creates an administrative burden for bidding/accessing.
- Lack of a single developed model that they can roll out (for example financing retrofit)
- Challenges in devising, developing approaches that secure private investment (capacity, expertise, fragmented nature of projects, aggregation/scale of programmes required)

In their net zero strategy the City of Edinburgh Council call for the Scottish Government to 'bring forward at speed improved schemes to support citizens to fund energy efficiency upgrades and decarbonise heat in their homes'. Local authority stakeholders also raised issues linked to the need for national/co-ordinated efforts and approaches that boost understanding and consumer engagement in choosing/investing in the energy efficiency of their home.

3.5.3 Technical expertise and capacity

Stakeholders have identified a variety of issues and suggestions linked to the technical expertise available in local authorities. This includes:

- Concerns raised through the LHEES pilot evaluation process linked to in-house technical proficiency in understanding the significance and robustness of data.^{xciii}

- The need for support (potentially Scotland-wide/consultancy) in the development/management for district/green heat network development.^{xciv}
- The need for dedicated staff resources to deliver the LHEES programmes in a strategic and systematic way.^{xcv}
- The need for co-ordination between Scotland's proposed public energy agency and local authorities to identify where/how technical resources can be shared.^{xcvi}
- The importance of having skilled project managers (both technical and organisational) to manage energy efficient programmes effectively and steer them through relevant local authority processes and structures (procurement, building standards, resources).^{xcvii}
- LHEES: The need for support, direction, training and guidance, back-and-forth and co-ordination that could come from a public energy agency to support the use of the multicriteria assessment to best effect.^{xcviii} The importance of having capacity and expertise to understand energy market to engage in energy supply aspect.^{xcix}

3.5.4 Council Tax and energy efficiency discount provision

The Climate Change (Scotland) Act 2009 requires local authorities to develop and offer council tax discount schemes based on investment in energy efficiency measures. No additional funding was made available to local authorities to deliver the schemes and it is unclear how many local authorities currently offer such a scheme. Take up rates appear to have been very low. The EST^c have previously identified that other energy efficiency schemes were more attractive and this contributed to low take up, however they did note that:

‘It is important to point out that while the way in which these schemes was implemented (i.e. with CERT [Carbon Emissions Reduction Target] funding) was entirely understandable, it was not necessarily done in the way that was originally intended or in a way that was likely to maximise uptake’

In 2015 the EST noted that only two properties received this relief over the course of 2013-14 and that ‘information on a number of local authority websites about these schemes appears to be out of date.’ They suggested that the success, or otherwise, of these schemes should be evaluated and the reasons for this and to explore whether the relevant provisions in the Climate Change (Scotland) Act 2009 could be used more effectively. Some local authority stakeholders indicated that a combination of administrative burden and revenue reduction make the scheme unappealing for local authorities.

3.5.5 Non-domestic rates and renewables

On efforts to link business rates to decarbonisation the Scottish Government previously provided for 50% reduction linked to district heating^{ci} and announced a 90% relief until 31st March 2024 for district heating networks powered by renewables and extension of 60% relief for businesses with small scale hydro until 31st March 2032^{cii}. In 2022 HM Treasury introduced new measures to support green investment and the decarbonisation of non-domestic buildings applicable in England^{ciii} and CBI Scotland have argued for a similar approach in to be implemented in Scotland^{civ}

3.5.6 Energy generation and supply

Local authorities have powers enabling them to produce or sell electricity and heat. The ability of local authorities to generate electricity on land they own and sell this into the grid has some limitations as a result of the current contractual/procurement arrangements under which local authorities purchase electricity. This agreement prevents ‘sleeving’ of the energy i.e. where the electricity provider also acts as an agent to manage this electricity produced by the local authority.

CoSLA have called for:

'more flexibility in the current systems and contractual set-ups under which Local Authorities are purchasing electricity from the national grid....Central to the delivery of municipal renewable energy generation projects is financial viability, and this is hindered by the current systems and contractual setups with the national energy suppliers.'^{cv}

3.5.7 Microgeneration

As noted in Section 3.3 a number of stakeholders have suggested the permitted development powers be extended to provide broader coverage of renewable energy generation technologies and the Energy Saving Trust have also suggested that the potential extension of these for heat networks should be considered too.^{cv}

3.5.8 Heat networks

The Heat Networks (Scotland) Act makes several provisions for local authority responsibility linked to heat networks. This includes a requirement for each local authority to review to identify if any areas within it are likely to be suitable for a heat network and to consider making a request to the Scottish Government for designation of a heat network zone.

3.5.9 Public buildings

In collaboration with Zero Waste Scotland and Health Facilities Scotland, the Scottish Futures Trust has developed a net zero public sector building standard that applies to new and major refurbished buildings^{cvii}. The standard is currently voluntary and some local authority stakeholders questioned why this isn't a mandatory requirement for all public buildings.

3.5.10 Listed buildings and conservation areas

Several local authorities highlighted challenges linked to decarbonising buildings in conservation areas and those that are listed. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides the primary legislative framework that sets out the duties on planning authorities relating to designation, preservation and enhancement of conservation areas and authorisation of work on listed buildings. Planning authorities can draw on NPF4 (and associated LDPs) which place considerable emphasis on net zero comprise as material considerations in decision-making

Local authority stakeholders noted that whilst guidance exists this can be quite high-level and some of it is relatively old/out-of-date. They also highlighted the challenge for officials associated with keeping up to date with emerging technologies and approaches and the potential for inconsistencies in approaches between different local authorities.

3.5.11 Energy: legislative powers and duties summary

Table 5 provides a summary assessment of the application legislative duties and powers on energy available to local authorities of relevance, or potential relevance, to the net zero transition.

Table 5. Assessment of transport legislative duties and powers for local authorities relevant to the net zero transition. RAG key: Green = extensive, Amber = limited, Red = zero/minimal application.

Legislative provision for local authorities linked to net zero transition	Assessment of current application in supporting local authority net zero transition	
	RAG	Commentary
Energy efficiency - building standards administration and enforcement.		Calls for more ambitious national standards to support local authorities implement/enforce higher ambitions.
Council tax - energy efficiency discount schemes		Very limited provision/information available and low uptake.
Local Heat and Energy Efficiency Strategies (LHEES).		Statutory requirement to produce Delivery Plans by 31 December 2023, and subsequently on a 5 yearly cycle. Challenges linked to capacity and expertise available in local authorities to support/implement LHEES.
Energy Performance Certificate /minimum standards enforcement		Issues of EPC enforcement by local authorities (including minimum standards for private rented sector) not explored as part of this research/not raised by stakeholders.
Powers for local authorities to serve maintenance orders.		Provision does not extend to energy efficiency or emissions
Energy production (produce, operate, acquire, sell energy and construct/maintain pipes for heat).		Challenges linked to sleeving/procurement arrangements limiting ability of local authorities to produce and sell electricity themselves.
Heat networks: Enables designation of local authority as consent authority/process for heat network consent applications. Heat networks: requirement to review area for consideration of heat network		New power - – challenges associated with capacity/expertise
Local authority housing strategy/Energy Efficiency Standard for Social Housing (EESH).		Not identified/explored in this work.

4.0 Cross-cutting challenges that impact on the ability of local authorities, and particularly cities, to make full use of powers, duties and wider influence they have in pursuing net zero.

This section explores the following issues that impact on the ability of local authorities, and particularly cities, to make progress in pursuing net zero:

- Implementation route maps/detail and policy ambition
- Expertise, skills and capacity
- Co-ordination and collaboration
- Leadership

4.1 Implementation route maps/detail and policy ambition

Multiple stakeholders have highlighted the challenges associated with understanding what potential paths/transition plans to net zero would look like^{cviii, cix}, and the lack of clear national implementation/route maps to deliver national targets or policy commitments. Greater detail and clarity helps local authorities to develop consistent/coherent approaches across Scotland and provide confidence for private investment ^{cx}.

With specific reference to detail about the energy transition, Heads of Planning Scotland have called for a ‘spatial expression of energy—in other words, the energy plan set out in spatial form. Lots of different documents are coming out on local heat energy systems, wind energy and so on, but what we need is a comprehensive energy plan in spatial form that shows what can be achieved in Scotland to help that planning process. All of those things would put us on a much more solid footing.’^{cx1}

Several local authority stakeholders have highlighted challenges for local authorities to implement and enforce ambitions that go beyond those set at a national level (e.g. building standards or the National Planning Framework (NPF)). They have suggested that national policy and associated ambition needs to be in place ahead of local authorities being in a position to develop and defend local policies and approaches that align (e.g. Local Development Plans).

In several areas stakeholders have noted that greater clarity relating to some key policy approaches/decisions that reside at a UK or Scottish level (e.g. technological approaches to decarbonising tenements, approach to road user charging or grid connection cost regimes), or mechanisms that require a nationwide approach (financing citizens to retrofit their home using credible finance models and high levels of consumer protection) would help local authorities to plan and deliver their net zero transition.

4.2 Expertise and capacity

Many stakeholders have cited a lack of both expertise and capacity in local authorities in key areas of relevance to supporting progress towards net zero including:

- Accessing private capital (including the ability to develop new business models, develop a project pipeline, aggregate and package dispersed projects and building partnerships) ^{cxii}
^{cxiii}, ^{cxiv}, ^{cxv}.
- Planning, particularly in development planning (e.g. to support local development plans^{cxvi}), technical capacity linked to understanding carbon assessment information provided in planning applications ^{cxvii}, ^{cxviii}, understanding how planning can facilitate net zero development^{cxix}.
- Technical aspects of building decarbonisation/retrofit, whole life carbon assessment^{cxx} and dedicated capacity linked to the development and implementation of LHEES ^{cxxi}.
- Project/programme management (e.g. for major retrofit programmes)^{cxvii}.
- Central and regional teams to support development of business case for heat networks and large scale retrofit^{cxviii}.
- Developing area wide emission reduction plans^{cxviii}.
- Procurement – for example to support procurement of complex and bespoke projects like district heating and navigate changes to external funding mechanisms^{cxv}.

Local government stakeholders have also highlighted the need to build capacity across all roles in local government, understand gaps in skills and capacity in officers and elected members and build knowledge as required to enable to engage with the net zero agenda^{cxvii} ^{cxviii} ^{cxviii}. Stakeholders interviewed during the process highlighted that no mandatory requirements exist for council officials and Elected Members to have any training linked to climate literacy/net zero. In written evidence to the NZET Committee the Improvement Service note that:

‘One of the main barriers is that all officers and Elected Members need to have the skills and understanding to engage with the net zero agenda from being able to complete impact assessments and reports to leadership and decision making capability.’^{cxix}

Glasgow’s Climate Plan^{cxix} commits to develop and deliver a mandatory carbon literacy course to Elected Members and senior management and Aberdeen City Council provide similar training for senior managers and Elected Members.^{cxvii}

The potential to share intelligence and expertise amongst local authorities more effectively and access technical expertise from a more central hub is mentioned by many stakeholders and picked up further in the following section on co-ordination.

Local authority stakeholders also flagged a wider issue associated with the availability of expertise and capacity in the commercial sector to deliver local authority infrastructure projects designed to support net zero.

4.3 Co-ordination and collaboration

In evidence to the NZET Committee Jenny Laing (Aberdeen Council) suggested that the lack of coordination is resulting in parallel development of carbon tools, policy positions, procurement approaches and research across local authorities.^{cxvii} Audit Scotland make a similar observation:

‘...32 individual councils are largely working separately to develop plans and route maps and to understand the climate impact of their actions. This can lead to inefficiency and the

risk that interdependencies with activity in other areas will not be fully understood, and opportunities for economies of scale might be lost.^{1cxxxiii}

Many stakeholders including CoSLA^{cxxxiv} and the Climate Emergency Response Group (CERG)^{cxxxv} have highlighted the need for more effective co-ordination between local and Scottish Government. In their submission to the Scottish Parliament CoSLA noted that:

'We are suggesting that there should be increased cooperation between Local and Scottish Government on all aspects of a Just Transition, and that a mechanism should be developed by which we can better manage the multiple decarbonisation challenges that we face ^{cxxxvi}.

The Improvement Service suggest that:

'there is a need to clarify what local authorities need to deliver and be aware of what is within their control and the power of influence. There needs to be a strong understanding of climate change and the roles that local authorities can play.'^{cxxxvii}

Stakeholders have suggested that collaboration in some areas (e.g. LHEES) is good but in other areas much weaker.

In line with proposals put forward by the UK100 group (focused on the working relationship between the UK Government and local authorities) CERG have called for the Scottish Government and local authorities to develop a 'joint net-zero delivery framework' which 'agrees roles and necessary powers, policies and resources for implementation.'^{cxxxviii}

Specific areas where approaches and expertise could be co-ordinated, shared or developed in a consistent matter have been suggested including:

- 'cross-cutting procedural capacity (e.g. planning, development control, procurement)' with access to expertise that can be applied across places and sectors (e.g. analysts)^{cxxxix}.
- The role of the public energy agency in best supporting local authorities to access technical expertise and where these can be shared ^{cxl}.
- The development of a sustainable investment model for retrofitting to leverage in private investment^{cxli}.
- Co-ordination of messaging between local and Scottish government to support behavioural change ^{cxlii, cxliii}.
- Development and application of procurement frameworks for technical and bespoke technologies like district district heating networks^{cxliv}.
- Co-ordination of public sector procurement to support economies of scale^{cxlv}.
- A greater role for Scotland's cities in national level policy development^{cxlvi}.
- The formation of an alliance between Aberdeen, Glasgow and Edinburgh to 'work collectively to accelerate their journey to becoming net zero cities.'^{cxlvii}
- A consistent approach to target setting including using a shared language to describe categories of emissions included in targets and consistent methodologies to quantify emissions from each source^{cxlviii}.

Many stakeholders have suggested the development of a Local Authority Climate Intelligence Service and CoSLA have expressed support to work with partners on the development of a such a model^{cxlix}.

The imperative to work across local authority boundaries has been flagged by several local authority stakeholders on the grounds of supporting policy and infrastructure decisions that impact across wider areas, supporting a place-based approach, achieving economies of scale (e.g. joint procurement) and sharing experience. Many local authorities engage actively to do this though

representatives have noted that this is largely on a voluntary basis rather and it requires resources to do so. One suggestion was that local authorities should have a specific duty to collaborate.

In a few areas resolving policy challenges that local authorities face is likely to rely not just on the Scottish Government but also the UK Government (e.g. retrofit finance mechanisms, road user pricing approaches).

4.4 Leadership

The Improvement service^{cl} have noted the need for ‘political drive’ to be innovative in achieving net zero and highlighted both the diversity in approach, and in how advanced councils are in embedding and implementing actions in line with achieving net zero:

‘Some councils have completed in depth analysis of the impact of their operations and established carbon budgets for different departments...Others are embedding climate impact assessments or reporting requirements in their committee structures. Other councils have little or no framework in place to shape decision-making around climate impacts and carbon budgets. There may be an overall target but action plans are lacking and there is a need to coordinate action and implementation urgently.’

In their evidence to the NZET inquiry Zero Waste Scotland note that ‘The extent to which net zero goals are included in strategy and planning varies between councils.’^{cli} Stirling Council also report that barriers in their journey to net zero include ‘challenges to the recognition of the criticality of the climate emergency’ and ‘limited understanding of the magnitude of change required’ alongside limitations linked to resources available and understanding of funding sources and finance.^{clii}

In the context of supporting energy efficiency programmes, Professor Jan Webb highlights that:

‘In councils where such an approach has worked better, the finance team, the chief executive’s office, the spatial planning team and the net zero or climate change team have typically been well aligned and in agreement with each other and have that political leadership at the front, saying, “Right—we’re going with this.” Sometimes there are divisions within council structures, and council officers have to rely on the good will of colleagues...’^{cliii}

Audit Scotland conclude that:

‘The scale and urgency of the challenges presented by climate change mean that councils will need to make both swift and deep changes to the way they operate as organisations and to support the transformations necessary within their council areas.’^{cliv}

In their Climate Change Plan Aberdeen City Council commit to ‘Upgrading the Council Capability Framework to include climate leadership measures at all levels.’^{clv}

Noting the risk that political pressures and political trends can put significant pressure on elected members Louise Marix Evans highlights the significance of effective local engagement and deliberative processes:

‘A framework for Net Zero delivery and focus on the just transition with effective local engagement and deliberative democratic processes can mitigate this, so all politicians are aligned and Members feel supported regardless of political affiliation.’^{clvi}

A recent report for the CCC^{clvii} on the role of deliberative public engagement in climate policy development has suggested that government funding be provided to local authorities to support innovative public engagement on local climate policy.

5.0 Proposals to the Scottish Government to support Scottish local authorities deliver on climate action

Focusing on the relationship between local authorities and the Scottish Government Table 5 below sets out a series of recommendations aimed at supporting Scottish local authorities to progress net zero. The recommendations comprise a mixture of transformative and incremental actions and are structured to reflect recommendations that relate to:

- Application and development of legislative powers and duties
- Fiscal levers and approaches
- National policy ambition and clarity
- Co-ordination and implementation support
- Skills, expertise and capacity

Table 5: Proposals to support Scottish local authorities to deliver the net zero transition

Recommendations

Theme	Proposal
<p>Legislative powers/duties</p>	<p>New revenue raising powers (and autonomy in their deployment):</p> <ul style="list-style-type: none"> • Development and deployment of a mechanism to secure revenue from land value uplift. • Enactment of infrastructure levy (provision in the Planning (Scotland) Act 2019). • Devolution of non-domestic business rates to local authorities (beyond administration). <p>Amendment of existing powers:</p> <ul style="list-style-type: none"> • Revise TRO process to simplify and speed up ability of local authorities to roll-out net zero transport strategies. • Revise permitted development permissions to reduce planning restrictions on microgeneration (e.g. air source heat pumps) and electric vehicle charging infrastructure. • Broaden the powers available to local authorities linked to the provision of maintenance orders that require homeowners to maintain a house/keep it in a reasonable state of report to encompass energy efficiency.

Application of existing powers:

- Support wider adoption/application of measures already enabled through existing powers, for example WPL, LEZs and council tax energy efficiency discount schemes (recognising that these may not be appropriate in all circumstances).

New duties:

- In policy areas critical to delivery of net zero (e.g. traffic demand management) consider translating powers that currently exist (optional) into duties (mandatory) and accompany with appropriate implementation support (e.g. WPL)
- Establish mandatory public sector building standard for new build and major refurbished infrastructure projects (building on the existing voluntary standard).
- Place duties on local authorities to collaborate and support area/place-based approaches commensurate with effective delivery of net zero transition.

Fiscal policy & approach

- Provide multi-year budgets (or indicative budgets as a minimum) to support greater investment and planning certainty to local authorities in their approaches to delivering net zero.
- Streamline challenge funding pots into fewer but larger, and multi-year, streams with greater flexibility and aligned to broader high carbon/challenging to decarbonise sectors and place-based approaches (rather than policy challenge silos).
- Provide expertise & development of models/approaches/templates that support local authorities in accessing private investment.

National policy ambition & clarity

- Provide strong, unambiguous policy and ambition at a national level (e.g. NPF4) and timely clarity in key policy approaches/decisions of critical importance to the ability of local authorities to support the net zero transition.
- Develop nationwide schemes enabling citizens to decarbonise heat and increase the energy efficiency of their home based on credible finance models and consumer protection.

Co-ordination & implementation support

- Explore delivery of a net-zero delivery framework between local and national government (to enable review, discussion and agreement of implementation approaches, address challenges linked to delivery of national net zero policies and targets and enable alignment between national and local targets and pathways).
- Integrate development and roll-out of behaviour change/engagement approaches at a national and local level that to support delivery of key net zero policies in a co-ordinated and effective way.
- Provide greater engagement for cities in the development of national policy.

Skills, expertise & capacity

- Support the development of capacity and skills in local authorities to deliver net zero (potentially through the development of a proposed 'Climate Intelligence Service') with the ability to provide or strengthen:
 - Knowledge, expertise on net zero across local authority functions and teams
 - Technical expertise (e.g. linked to energy decarbonisation, accessing private finance)
 - Major project/programme management
 - Procurement/legal expertise
 - Preparation of business cases and presentation of investment proposals
 - Approaches to determining/reporting emissions
 - Climate leadership.

6.0 Next steps

A second phase of this could draw on a more extensive programme of stakeholder engagement to:

- Explore the findings of this report further and identify gaps.
- Review, test and refine the proposals identified
- Explore particular sectoral challenges (e.g. buildings or waste/circular economy) or cross-cutting challenges (e.g. finance) further.

Further work could be undertaken to prioritise the proposals (with the potential of applying a multi-criteria analysis) and/or differentiating them to identify those that would support transformative change or incremental change.

Some initial suggestions of priority proposals that could be explored in more depth in the next phase include:

- Identifying and agreeing what new powers would be most effective in enabling cities to develop a revenue stream to fund their net zero transition plans.
- Identifying existing powers that could be i) usefully converted into duties to support wider uptake by cities and/or ii) what specific implementation support or mechanisms would be most effective in boosting the uptake and deployment of these (particularly in high emission sectors like transport and buildings).
- Exploring what a net-zero delivery framework between local and national government should comprise and how best it could operate.

Annex A: Local authority duties and powers set in legislation of relevance to supporting the net zero transition

Legislation	Powers of relevance/potential relevance to net zero provided to local authorities.
Local Government in Scotland Act 2003	<ul style="list-style-type: none"> - Power to advance wellbeing - Duty to secure best value
Local Government (Scotland) Act 1973	<ul style="list-style-type: none"> - Power to borrow to carry out their functions - Powers to produce/sell heat and/or electricity
Procurement Reform (Scotland) Act 2014	<ul style="list-style-type: none"> - Regulation of procurement (includes a sustainable procurement duty)
Local Government Finance Act 1992	<ul style="list-style-type: none"> - Council Tax – administration
Local Government (Scotland) Act 1975	<ul style="list-style-type: none"> - Non-domestic rates administration
Climate Change (Scotland) Act 2009	<ul style="list-style-type: none"> - Requirement for councils to contribute to delivery of national emissions reductions targets. - Requirement to report annually on compliance with the public duties - Requirement to include, in any local development plan, policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the

	<p>installation and operation of low and zero-carbon generating technologies.</p> <ul style="list-style-type: none"> - Permitted development rights (microgen and ASHP). - Assessment of energy efficiency (non-domestic) - Requirement for local authorities to establish energy efficiency discount scheme linked to council tax. - Duty to produce Local Heat and Energy Efficiency Strategies (LHEES)
Planning (Scotland) Act 1997/Planning Scotland Act 2006/Planning (Scotland) Act 2019.	<ul style="list-style-type: none"> - Requirement to produce a Development Plan and manage development
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	<ul style="list-style-type: none"> - Duties on planning authorities relating to designation, preservation and enhancement of conservation areas and authorisation of work on listed buildings.
Planning (Scotland) Act 2019	<ul style="list-style-type: none"> - Implement an Infrastructure levy
Roads (Scotland) Act 1984	<p>As local roads authority:</p> <ul style="list-style-type: none"> - Provision of footways alongside roads for convenience and safety of pedestrians. - Powers (permitted development rights) to make/change street furniture (e.g. cycle lanes, paths), installing EV chargers into street furniture
Environment Act 1995	<ul style="list-style-type: none"> - Air quality management duties
The Transport (Scotland) Act 2019	<ul style="list-style-type: none"> - Low Emission Zones - Workplace Parking Licensing - Pavement/double parking - Provision of local bus services (potentially directly, or through a company) - Facilitates creation of a statutory partnership between a relevant authority (or authorities) and operator(s) to improve bus services in a specified area(s)
Land Reform (Scotland) Act	<ul style="list-style-type: none"> - Access authority/ requirement to identify core paths which have shared access rights.
Transport (Scotland) Act 2001	<ul style="list-style-type: none"> - Provision for a local authority to introduce road user charging
Road Traffic Regulation Act 1967/1984/Scotland Act 2016	<ul style="list-style-type: none"> - Power to change speed limits - Parking restrictions/charges - Road Traffic Regulation Orders
Town and Country Planning (Scotland) Act 1997	<ul style="list-style-type: none"> - Section 75 agreements (e.g. to secure revenue for transport infrastructure) - Planning permission – renewable and low carbon energy development (up to 50 Mw).
Civic Government (Scotland) Act 1982	<ul style="list-style-type: none"> - Taxi licensing

Transport (Scotland) Act 2015	- Regional Transport Partnerships
Building (Scotland) Act 2003	- Building standards – administration/enforcement
The Energy Performance of Buildings (Scotland) Regulations 2008	- Energy Performance Certificate (EPC) enforcement
The Energy Efficiency (Domestic Rented Property) (Scotland) Regulations 2020 (Under the Energy Act 2011	- Enforcement of requirement for private rented landlords to improve the energy efficiency of domestic private rented sector property in Scotland/achieve prescribed minimum standard.
Housing (Scotland) Act 2001	- Requirement to produce housing strategy and ensure their housing stock meets minimum standards of energy efficiency set for the social housing sector
Housing (Scotland) Act 2006	- Powers to serve maintenance orders requiring homeowners to maintain a house/keep it in a reasonable state of repair
Heat Networks (Scotland) Act 2021	- Provides for designation of local authority as consent authority and requirement to carry out a review to consider whether one or more areas in its area is likely to be particularly suitable for the construction and operation of a heat network

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- i [net-zero-strategy-beis.pdf \(publishing.service.gov.uk\)](#)
- ii [Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](#)
- iii [Scotland's councils' approach to addressing climate change \(audit-scotland.gov.uk\)](#)
- iv [Local Authorities and the Sixth Carbon Budget - Climate Change Committee \(theccc.org.uk\)](#)
- v [Microsoft Word - ESS - Investigations-Climate-change-website-information-June22 \(environmentalstandards.scot\)](#)
- vi [20220811 environmentalstandardsscotland chair to convener.pdf \(parliament.scot\)](#)
- vii [Scotland's councils must put tackling climate change at the heart of decision-making | Audit Scotland \(audit-scotland.gov.uk\)](#)
- viii [Local authorities: factsheet - gov.scot \(www.gov.scot\)](#)
- ix [Subject profile – local government in Scotland \(parliament.scot\)](#)
- x In 2011 the UK DCLG compiled a list of statutory duties on local authorities in England [Summary of the review of statutory duties placed on local government \(publishing.service.gov.uk\)](#). They identified 1294 duties.
- xi Sectors proposed by several stakeholders as most significant for local authority action to make progress towards net zero: [Official Report \(parliament.scot\)](#)
- xii [Local Governance Review: Report Summarising the Main Themes emerging from the Strand 2 Consultation \(www.gov.scot\)](#)
- xiii [Best Value: Revised Statutory Guidance 2020 \(www.gov.scot\)](#)
- xiv It is unclear if the lack of a power of general competence would prevent local authorities being able to access funding via this model.
- xv [Microsoft Word - Model Section 75 Agreement - amended - June 2010 and March 2011 2 .doc \(edinburgh.gov.uk\)](#)
- xvi [20220907 cosla submission.pdf \(parliament.scot\)](#)
- xvii [Response 404412909 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Chartered Institute of Housing Scotland](#)
- xviii Including West Dunbartonshire ([Response 265751504 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#)) and CoSLA ([Response 316380638 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#))
- xix [Official Report \(parliament.scot\)](#) – Ewan Wallace, Society of Chief Officers of Transportation in Scotland/Steve Gooding RAC Foundation
- xx Aberdeenshire Council ([Response 695005037 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#)), [Official Report \(parliament.scot\)](#) – Ewan Wallace, Society of Chief Officers of Transportation in Scotland.
- xxi [Response 487404874 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space - Sustrans](#)
- xxii [Response 993299247 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space – City of Edinburgh Council](#)
- xxiii [20220907 cosla submission.pdf \(parliament.scot\)](#)
- xxiv [Local Governance Review: Report Summarising the Main Themes emerging from the Strand 2 Consultation \(www.gov.scot\)](#)
- xxv [2030 Climate Strategy – The City of Edinburgh Council](#)
- xxvi [Local Governance Review: Report Summarising the Main Themes emerging from the Strand 2 Consultation \(www.gov.scot\)](#)
- xxvii Arms Length External Organisations
- xxviii [Official Report \(parliament.scot\)](#) Tim Lord – Phoenix Capital
- xxix [Official Report \(parliament.scot\)](#) Adam McVey – City of Edinburgh Council
- xxx [Official Report \(parliament.scot\)](#) Tim Lord – Phoenix Capital
- xxxi [Official Report \(parliament.scot\)](#) Sandy Begbie – Scottish Financial Enterprise
- xxxii [Official Report \(parliament.scot\)](#) Jeremy Lawson - abrdn
- xxxiii [Official Report \(parliament.scot\)](#) Tim Lord – Phoenix Capital
- xxxiv [CERG-Main-Report-2022-Updated-080922.pdf](#)
- xxxv [20220907 louisemarixevans submission.pdf \(parliament.scot\)](#) submission to the NZET Committee.
- xxxvi [Official Report \(parliament.scot\)](#) Tracy Black – CBI Scotland

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- xxxvii [20220907_louisemarixevans_submission.pdf \(parliament.scot\)](#) submission to the NZET Committee.
- xxxviii [CERG-Main-Report-2022-Updated-080922.pdf](#)
- xxxix [Response 993299247 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) City of Edinburgh Council
- xl [20220907_louisemarixevans_submission.pdf \(parliament.scot\)](#) submission to the NZET Committee.
- xli [Glasgow's Climate Plan - viewSelectedDocument.asp \(glasgow.gov.uk\)](#)
- xlii [Supporting documents - Scottish Budget 2022 to 2023 - gov.scot \(www.gov.scot\)](#)
- xliiii [20160714 \(parliament.scot\)](#) – A Scottish Approach to Taxation – CoSLA response.
- xliiv [SUA-2022-executive-summary.pdf \(agcc.co.uk\)](#)
- xli v [Local Governance Review - public service governance: analysis of responses - gov.scot \(www.gov.scot\)](#)
- xli vi [Official Report \(parliament.scot\)](#) Adam McVey – City of Edinburgh Council
- xli vii <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13511> – Susan Aitken/Adam McVey
- xli viii [A Fairer, Greener Scotland: Programme for Government 2021-22 \(www.gov.scot\)](#)
- xli x [Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero \(www.gov.scot\)](#)
- l [Scotland's councils' approach to addressing climate change \(audit-scotland.gov.uk\)](#)
- li [20220907_cosla_submission.pdf \(parliament.scot\)](#)
- lii [CST pathfinder report.pdf \(edinburghcentre.org\)](#)
- liii [Response 259401328 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Heads of Planning Scotland
- li v [Response 963086548 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Scottish Water
- li v i [Official Report \(parliament.scot\)](#) Susan Aitken – Glasgow City Council
- li v ii [Official Report \(parliament.scot\)](#) Paw Ewen – Heads of Planning Scotland
- li v iii [Response 530432009 to National Planning Framework: Position Statement - Scottish Government - Citizen Space \(consult.gov.scot\)](#) CoSLA
- li v iii i [Response 206570197 to National Planning Framework: Position Statement - Scottish Government - Citizen Space \(consult.gov.scot\)](#) Edinburgh Council
- li x [Response 993299247 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) City of Edinburgh Council
- li x i [Response 487404874 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Sustrans
- li x ii [Official Report \(parliament.scot\)](#) Robbie Calvert – Royal Town Planning Institute
- li x iii [Official Report \(parliament.scot\)](#) Barry McCulloch – Federation of Small Businesses Scotland
- li x iii i [Official Report \(parliament.scot\)](#) Tracy Black – CBI Scotland
- li x iii ii [Response 762035551 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Energy Saving Trust
- li x iii iii [model-section-75-legal-agreement \(edinburgh.gov.uk\)](#)
- li x iii iv [5dd6a24c0c1d6_Land-Focus-Land-Value-Capture-May-2018.pdf \(landcommission.gov.scot\)](#)
- li x iii v [Official Report \(parliament.scot\)](#) John Wincott – Sustainable Scotland Network
- li x iii vi [Official Report \(parliament.scot\)](#) Jenny Laing – Aberdeen City Council
- li x iii vi i [Official Report \(parliament.scot\)](#) Adam McVey – City of Edinburgh Council
- li x iii vi ii [Response 1052163966 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Scottish Renewables
- li x iii vi iii [Response 905124417 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Comhairle nan Eilean Siar
- li x iii vi iii i [Official Report \(parliament.scot\)](#) Ewan Wallace – Society of Chief Officers of Transportation in Scotland)
- li x iii vi iii ii [Official Report \(parliament.scot\)](#) Adam McVey – City of Edinburgh Council
- li x iii vi iii iii [CERG-Main-Report-2022-Updated-080922.pdf](#)
- li x iii vi iii iv [Response 487404874 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Sustrans
- li x iii vi iii v [Transition-to-Net-Zero-Carbon-Action-Plan.pdf \(scottishcities.org.uk\)](#)
- li x iii vi iii vi [Is there a "war on the motorist"? – SPICe Spotlight | Solas air SPICe \(spice-spotlight.scot\)](#)
- li x iii vi iii vi i [Official Report \(parliament.scot\)](#) – Adam McVey – City of Edinburgh Council
- li x iii vi iii vi ii [Edinburgh City Council to scale back low emission zone plans | HeraldScotland](#)
- li x iii vi iii vi iii [city-mobility-plan-2021-2030 \(edinburgh.gov.uk\)](#)

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- lxxxii [Glasgow Transport Strategy - Policy Framework 2022](#)
- lxxxiii [Delivering the plan – The City of Edinburgh Council](#)
- lxxxiv [Glasgow Transport Strategy - Policy Framework 2022](#)
- lxxxv [SCC write to the Net Zero, Energy and Transport Committee on the Workplace Parking Levy - Scottish Chambers](#)
- lxxxvi [SNP-led Perth and Kinross Council will not introduce Workplace Parking Levy - Daily Record](#)
- lxxxvii [Council leader hails introduction of workplace parking levy powers but rules out using them in Dundee \(thecourier.co.uk\)](#)
- lxxxviii [Workplace parking levy ruled out for North-east after Chamber secures consensus \(agcc.co.uk\)](#)
- lxxxix [Official Report \(parliament.scot\)](#) Paul White, Confederation of Passenger Transport
- xc [climateactionplan.pdf \(dundeecity.gov.uk\)](#)
- xc [Taxi Fleet \(drivedundeeelectric.co.uk\)](#)
- xc [Scottish Government and Scottish Green Party Shared Policy Programme \(www.gov.scot\)](#)
- xcii [Response 259401328 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Heads of Planning Scotland
- xciii [Official Report \(parliament.scot\)](#) Jan Webb
- xciv [Official Report \(parliament.scot\)](#) Teresa Bray/Jan Webb
- xcv [Official Report \(parliament.scot\)](#) Teresa Bray/Jan Webb
- xcvi [Official Report \(parliament.scot\)](#) Jan Webb
- xcvii [Official Report \(parliament.scot\)](#) Teresa Bray
- xcviii [Official Report \(parliament.scot\)](#) Jan Webb
- xcix [Official Report \(parliament.scot\)](#) David Hammond/North Ayrshire Council
- c [Document template \(energysavingtrust.org.uk\)](#)
- ci [The Non-Domestic Rates \(District Heating Relief\) \(Scotland\) Regulations 2017 \(legislation.gov.uk\)](#)
- cii [Non-domestic business rates roadmap - gov.scot \(www.gov.scot\)](#)
- ciii [3/2022: Bringing forward implementation of green rate reliefs by one year and the DELTA Data Collection Exercise \(publishing.service.gov.uk\)](#)
- civ [Official Report \(parliament.scot\)](#) Tracy Black – CBI Scotland
- cv [20220907_cosla_submission.pdf \(parliament.scot\)](#)
- cvi [Response 762035551 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Energy Saving Trust
- cvi [Net Zero Public Sector Buildings Standard - Scottish Futures Trust](#)
- cvi [Response 695005037 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Aberdeenshire Council
- cix [Meeting of the Parliament: nzet/21/06/2022 | Scottish Parliament Website](#) Ben Howarth – Association of British Insurers
- cx [Official Report \(parliament.scot\)](#) Tim Lord – Phoenix Capital
- cx [Official Report \(parliament.scot\)](#) Paw Ewen – Heads of Planning Scotland
- cxii [Official Report \(parliament.scot\)](#) Susan Aitken – Glasgow City Council
- cxiii [Official Report \(parliament.scot\)](#) Tim Lord – Phoenix Capital
- cxiv [Official Report \(parliament.scot\)](#) Jeremy Gorelick – Green Finance Institute
- cxv [20220907_louisemarixevans_submission.pdf \(parliament.scot\)](#) submission to the NZET Committee.
- cxvi [Official Report \(parliament.scot\)](#) Robbie Calvert – Royal Town Planning Institute
- cxvii [Official Report \(parliament.scot\)](#) Fiona Kell – Homes for Scotland
- cxviii [Response 6450590 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) East Lothian Council
- cxix [Response 214237214 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Existing Homes Alliance Scotland
- cxix [Official Report \(parliament.scot\)](#) Fiona Kell – Homes for Scotland
- cxix [Official Report \(parliament.scot\)](#) Jan Webb – University of Edinburgh
- cxix [Official Report \(parliament.scot\)](#) Teresa Bray – Existing Homes Alliance
- cxix [Response 214237214 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) – Existing Homes Alliance
- cxix [20220907_cosla_submission.pdf \(parliament.scot\)](#)
- cxix [Response 762035551 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) – Energy Savings Trust
- cxix [Response 715355141 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space](#) Improvement Service

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- [cxxvii Response 6450590 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space East Lothian Council](#)
- [cxxviii Response 1065580908 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Zero Waste Scotland](#)
- [cxxix Response 715355141 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Improvement Service](#)
- [cxxx Glasgow's Climate Plan - viewSelectedDocument.asp \(glasgow.gov.uk\)](#)
- [cxxx1 Aberdeen City Council embraces Scotland's Climate Week | Aberdeen City Council](#)
- [cxxx2 Official Report \(parliament.scot\) Jenny Laing – Aberdeen City Council](#)
- [cxxx3 Scotland's councils' approach to addressing climate change \(audit-scotland.gov.uk\)](#)
- [cxxx4 20220907 cosla submission.pdf \(parliament.scot\)](#)
- [cxxx5 Response 226783521 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Climate Emergency Response Group](#)
- [cxxx6 20220907 cosla submission.pdf \(parliament.scot\)](#)
- [cxxx7 Response 715355141 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Improvement Service](#)
- [cxxx8 Response 226783521 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Climate Emergency Response Group](#)
- [cxxx9 CERG-Main-Report-2022-Updated-080922.pdf](#)
- [cxl Official Report \(parliament.scot\) Jan Webb – University of Edinburgh](#)
- [cxli 20220907 cosla submission.pdf \(parliament.scot\)](#)
- [cxlii 20220907 cosla submission.pdf \(parliament.scot\)](#)
- [cxliii Response 993299247 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space City of Edinburgh Council](#)
- [cxliv Response 762035551 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Energy Savings Trust](#)
- [cxlv Response 715355141 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space Improvement Service](#)
- [cxlvi Local Governance Review: Report Summarising the Main Themes emerging from the Strand 2 Consultation \(www.gov.scot\)](#)
- [cxlvii SUA-2022-executive-summary.pdf \(agcc.co.uk\)](#)
- [cxlviii Scotland's councils' approach to addressing climate change \(audit-scotland.gov.uk\)](#)
- [cxlix 20220907 cosla submission.pdf \(parliament.scot\)](#)
- [cl Response 715355141 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space – Improvement Service](#)
- [cli Response 1065580908 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space – Zero Waste Scotland](#)
- [clii Response 546314864 to The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland - Scottish Parliament - Citizen Space – Stirling Council](#)
- [cliii Official Report \(parliament.scot\) – Jan Webb](#)
- [cliv Scotland's councils' approach to addressing climate change \(audit-scotland.gov.uk\)](#)
- [clv Council Climate Change Plan 2021-25 Towards a Net Zero and Climate Resilient Council.pdf \(aberdeencity.gov.uk\)](#)
- [clvi 20220907 louisemariexevans submission.pdf \(parliament.scot\) submission to the NZET Committee.](#)
- [clvii The role of deliberative public engagement in climate policy development \(University of Lancaster\) - Climate Change Committee \(theccc.org.uk\)](#)

Report written by Dan Barlow.
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