

# **Duties and Powers for Local Authorities in the UK to Adapt to Climate Change**

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**Prepared for the Climate Change  
Committee**

**November 2025**

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**CAG Consultants**



**CLIENT NAME:** CLIMATE CHANGE COMMITTEE

**PROJECT TITLE:** DEVELOPING LOCAL AREA ADVICE FOR CLIMATE CHANGE MITIGATION AND ADAPTATION

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## Executive Summary

Climate change impacts are increasingly affecting communities across the UK. Local authorities are at the forefront of responding to these challenges. Because they manage essential services (from planning and highways to social care and biodiversity) councils are uniquely placed to build local resilience.

This report maps the complex legal framework that governs how local authorities in England, Scotland, Wales, and Northern Ireland adapt to climate change. It sets out the statutory duties they must fulfil, the discretionary powers they can use, and the national policies that guide them.

Under the UK's current governance landscape there is no single "Local Authority Climate Adaptation Duty Act" that brings all responsibilities into one place. Instead, adaptation is carried out under a "mosaic" of duties and powers provided through various laws regarding planning, flood risk, civil contingencies, and the environment.

In all four nations, councils rely on broad discretionary powers, such as the General Power of Competence (or the Power to Advance Well-being in Scotland) to deliver adaptation interventions. These powers enable councils to go beyond legal minimums to protect their communities.

In England there is no single statutory duty to adapt. Instead, responsibilities are fragmented and incomplete. For example, councils have specific duties for flood risk (Lead Local Flood Authorities) and emergency planning. However, general adaptation relies on the "de facto" duty created by frameworks such as national planning policy, rather than a dedicated statute.

In Scotland the adaptation framework is built on a direct statutory duty. The Climate Change (Scotland) Act 2009 requires public bodies to act in the way best calculated to help deliver the national adaptation programme. This is reinforced by wider policies, such as the National Planning Framework 4 (NPF4), which gives climate adaptation legal status in decision-making.

In Wales adaptation is integrated into a holistic sustainability duty. The Well-being of Future Generations (Wales) Act 2015 legally requires councils to work towards seven national goals, including "A Resilient Wales". This makes climate resilience a core part of corporate decision-making.

And in Northern Ireland, the landscape is changing. The Climate Change Act (Northern Ireland) 2022 recently introduced a statutory reporting duty for councils (first report due 2026). However, unlike Great Britain, flood risk management remains a centralised function held by the Department for Infrastructure, not local councils.

While the legislative tools vary, the urgency is consistent. Local authorities across the UK possess significant powers, particularly in planning, procurement, and land management, that can drive adaptation. However, the landscape remains complex, which risks leaving areas of the country exposed to climate impacts.

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## Acronyms

Acronym	Full Form
ADEPT	The Association of Directors of Environment, Economy, Planning and Transport
ARP4	Fourth round of the Adaptation Reporting Power
AWHP	Adverse Weather and Health Plan
BNG	Biodiversity Net Gain
CARIB	Climate Adaptation Research and Innovation Board
CARIF	Climate Adaptation Research and Innovation Framework
CCA 2004	Civil Contingencies Act 2004
CCA 2008	Climate Change Act 2008
CCC	Climate Change Committee
CCRA	UK Climate Change Risk Assessment
DAERA	Department of Agriculture, Environment and Rural Affairs (Northern Ireland)
DfI	Department for Infrastructure (Northern Ireland)
EA 2021	Environment Act 2021
FCERM	Flood and Coastal Erosion Risk Management
FWMA 2010	Flood and Water Management Act 2010
GPC	General Power of Competence
ICE	Institution of Civil Engineers
LAAP	Local Adaptation Advisory Panel
LACS	Local Authority Climate Service
LCAT	Local Climate Adaptation Tool
LDP	Local Development Plan
LGA	Local Government Association
LLFA	Lead Local Flood Authority
LNRS	Local Nature Recovery Strategies
LRF	Local Resilience Forums
MACC	Maximising UK Adaptation to Climate Change programme
NAP	National Adaptation Programme

Acronym	Full Form
NAP3	Third National Adaptation Programme (England)
NICCAP	Northern Ireland Climate Change Adaptation Programme
NICCF	Northern Ireland Civil Contingencies Framework
NI188	National Indicator 188
NILGA	Northern Ireland Local Government Association
NPF4	National Planning Framework 4 (Scotland)
NPPF	National Planning Policy Framework (England)
NRAP	Nature Recovery Action Plan for Wales
NRW	Natural Resources Wales
OEP	Office for Environmental Protection
PfG	Programme for Government (Northern Ireland)
PM2.5	Fine particulate matter (particles with a diameter of 2.5 micrometres or less)
PPG	Planning Practice Guidance
PPN	Procurement Policy Note
PSB	Public Services Board (Wales)
PSCAN	Public Sector Climate Adaptation Network (Scotland)
PPW	Planning Policy Wales
R&I	Research and Innovation
SEPA	Scottish Environment Protection Agency
SEUPB	Special EU Programmes Body
SMNR	Sustainable Management of Natural Resources (Wales)
SMP	Shoreline Management Plans
SNAP	Scottish National Adaptation Plan
SNAP3	Scottish National Adaptation Plan 2024-2029 (Scotland's third plan)
SPPS	Strategic Planning Policy Statement (Northern Ireland)
SSN	Sustainable Scotland Network
SuDS	Sustainable Drainage Systems
TAN	Technical Advice Note (Wales)
UKCP18	UK Climate Projections 2018
UKHSA	UK Health Security Agency

Acronym	Full Form
UKRI	UK Research and Innovation
UKSPF	UK Shared Prosperity Fund
WANE Act	Wildlife and Natural Environment Act (Northern Ireland) 2011
WFG Act	Well-being of Future Generations (Wales) Act 2015
WLGA	Welsh Local Government Association



# 1 Introduction

Climate change impacts are increasingly apparent across the United Kingdom (UK), and local authorities (LAs) are at the forefront of managing and responding to them within their communities. They are uniquely placed to build resilience because they deliver a wide range of essential local services. They have a detailed understanding of their area's assets and strengths, not just its vulnerabilities. This knowledge allows them to identify where communities are already resilient and focus support and resources effectively where they are needed most.

While there is already significant activity on climate change mitigation at the local level, adaptation measures are not yet as well developed. Historically, the importance of this role was explicitly recognised. For instance, until 2010, National Indicator NI188<sup>1</sup> provided a dedicated framework for local authorities in England to assess and plan for climate adaptation. Despite NI188 being discontinued, the foundational principles it established remain relevant, guiding councils towards integrating climate resilience into their core operational practices.

## 1.1 Adaptation Context

The UK National Adaptation Programmes (NAPs)<sup>2, 3, 4, 5</sup>, a statutory requirement under the Climate Change Act 2008<sup>6</sup>, continue to establish strategic priorities and expectations for climate adaptation across all levels of government. While not explicitly mandated by the NAPs, local councils are expected to align their local planning, infrastructure management, and emergency preparedness with these national objectives.

The structure of local government varies across the UK, which affects the specific roles and responsibilities of councils. In England, the system is mixed. Some areas have a two-tier structure with a County Council (responsible for strategic services like transport, education, and social care) and several smaller District Councils (responsible for local services like planning, housing, and waste collection). Other areas have a single-tier system with a Unitary Authority that covers all local services. At the most local level are Parish, Town, or Community Councils. These do not exist everywhere. Where they do, they have limited powers but play a vital role in their neighbourhoods. In Scotland, Wales, and Northern Ireland, the structure is simpler, with all areas covered by single-tier Unitary Councils that are responsible for all local services.

Regardless of the structure, councils deliver many services already affected by climate change. These include planning and development control, managing local flood risk as

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<sup>1</sup> [Guidance notes for NI188](#)

<sup>2</sup> [Third National Adaptation Programme \(NAP3\)](#)

<sup>3</sup> [Scottish National Adaptation Plan 2024-2029](#)

<sup>4</sup> [Climate Adaptation Strategy for Wales 2024](#)

<sup>5</sup> [Northern Ireland Climate Change Adaptation Programme](#)

<sup>6</sup> [Climate Change Act 2008](#)

Lead Local Flood Authorities (LLFAs), maintaining roads and public spaces, managing public health, delivering social care, school transport and emergency planning.

In relation to these and wider services, local councils can draw on<sup>7 8</sup> six main ‘spheres of influence’ to affect change in relation to climate mitigation and adaptation:

1. **Direct control:** Over their own buildings and estate, operations, and staff travel.
2. **Procurement and commissioning:** Using their purchasing power to demand set higher environmental standards from suppliers.
3. **Place shaping:** Using their strategy setting and legal powers to set the direction of, and control local development and transport systems.
4. **Showcasing:** Innovating, piloting, and demonstrating good practice to develop, test and scale solutions and encourage others.
5. **Partnerships:** Leading, convening and supporting leading across governance tiers to and bringing people and organisations together to coordinate action.
6. **Involving, engaging, and communicating:** Working with local people and organisations to create solutions and set local goals. This involves more than just passing on national targets. Local councils often show leadership by setting their own targets that move faster than the national government.

## 1.2 Key Concepts

This report describes the current legal framework for local climate adaptation in the UK, specifically the role that LAs play in it. It is helpful to define the key terms used to describe these types of roles and responsibilities that LAs have:

- **Duty:** A duty is a mandatory, legal obligation set out in an Act of Parliament (a statute). This is something a council must do. Failure to fulfil a duty can lead to a legal challenge. An example is the duty on a Lead Local Flood Authority to produce a Local Flood Risk Management Strategy.
- **Power:** A power is a discretionary ability granted by law. This is something a council may or can do, but is not required to. This allows councils to act if they have the resources and political will. The General Power of Competence is a key example of a broad enabling power.
- **Guidance:** Guidance is official government advice or policy that explains how councils should meet their duties or use their powers. While not law itself, it has significant legal weight as a ‘material consideration’ in decision-making. Ignoring it without a strong justification can result in legal challenges. The National Planning Policy Framework (NPPF) is the most important example of this.

## 1.3 What does this report cover?

Given the diverse range of powers, duties, and national policy expectations placed upon local authorities, this report maps the legislative framework, statutory guidance, and

<sup>7</sup> [Local Authorities and the Sixth Carbon Budget](#)

<sup>8</sup> Coxcoo, R. & Roberts, S. (2020) Climate Action Planning Tool for Local Authorities, Centre for Sustainable Energy

support programmes available to councils throughout England, Scotland, Wales, and Northern Ireland for climate adaptation. By clarifying these responsibilities and highlighting existing resources and challenges, this research provides important context and practical guidance to help local authorities effectively manage climate adaptation and safeguard communities and infrastructure against current and future climate risks.

It is also important to note that this report is intended as a technical reference document outlining the current climate adaptation legal framework in the UK. There is a second report (to be published by the Climate Change Committee in 2026) which will outline the climate adaptation challenge at a local level with a set of recommendations and actions going forward.

## 2 Powers and Duties of English Local Authorities for Climate Change Adaptation

This chapter describes the complex legislative and policy landscape for English local authorities, detailing the specific statutory duties that require climate adaptation, the discretionary powers that enable it, and the national policies that guide it. A summary of these duties and powers is presented in *Table 1* at the conclusion of this section for ease of reference.

### 2.1 Legislation and Statutory Duties

While no single law explicitly mandates local authorities in England to adapt to climate change, a range of legislation collectively shapes their responsibilities in this area.

#### 2.1.1 Climate Change Act 2008

Although the Climate Change Act 2008 primarily sets national climate mitigation targets and frameworks, it also established mechanisms affecting local adaptation. It created a statutory cycle for a UK Climate Change Risk Assessment (CCRA) and the development of a National Adaptation Programme (NAP) across all nations, which inform all levels of government<sup>9</sup>. The Act gives the Secretary of State an Adaptation Reporting Power to require certain public bodies to report on climate risks and adaptation plans<sup>9</sup>. Although no direct mandatory duty is placed on councils in England to prepare adaptation reports (See *Text Box 7: Adaptation Reporting vs Adaptation Planning in Scotland* for reporting requirements in Scotland), local authorities were invited under this power to submit voluntary adaptation reports (e.g. in the most recent 4th round)<sup>10</sup>. The Climate Change Act 2008 mandates the national government to assess climate risks and plan for adaptation, creating a policy framework that local authorities are expected to follow<sup>11</sup>.

#### 2.1.2 Planning and Compulsory Purchase Act 2004

The land use planning system is one of the tools for that can enable local authorities to manage climate risks. The legal basis for this system is devolved, meaning Scotland and Northern Ireland have their own laws. The Planning and Compulsory Purchase Act 2004, Section 19(1A)<sup>12</sup> imposes a clear legal climate duty for Local Authorities in England and Wales in local plan-making. The act states:

*“Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.”<sup>12</sup>*

To meet this and other legal duties under the land use planning system, each local planning authority must prepare and maintain a key document known as a Local Plan.

<sup>9</sup> [House of Commons Research Briefing: Climate change adaptation and resilience in the UK 2024](#)

<sup>10</sup> [Climate adaption reporting fourth round: local authority](#)

<sup>11</sup> [Climate change adaptation: policy information](#)

<sup>12</sup> [Planning Act 2008 Section 182](#)

The Local Plan sets out the long-term vision and framework for the future development of the area, typically over a 15-20 year period. It contains the specific policies and site allocations against which all planning applications for new development are assessed.

Before a Local Plan can be adopted, it must be submitted to the Secretary of State and examined by an independent Planning Inspector. During this examination, which can include public hearings, the Inspector determines if the plan is legally compliant and 'sound'. The plan's approach to climate change adaptation is part of this test.

To be found 'sound', the Inspector must be satisfied that the plan's policies are, among other things:

- **Justified:** Based on a comprehensive and up-to-date evidence base, such as the area's Strategic Flood Risk Assessment (SFRA) and the latest UK Climate Projections.
- **Consistent with national policy:** In line with the specific requirements of the government's revised National Planning Policy Framework (NPPF), published in 2025<sup>13</sup>.

If an Inspector finds that a plan has not adequately addressed future climate risks (for example, by failing to use the latest climate data), they can declare it 'unsound'. An unsound plan cannot be legally adopted, forcing the council to withdraw it and carry out further work to address the Inspector's concerns. This enforcement mechanism ensures that adaptation is a mainstream part of all spatial planning decisions.

### 2.1.3 Town and Country Planning Act 1990

The planning system in England and Wales is built on the Town and Country Planning Act 1990<sup>14</sup>. This Act serves as the foundation, setting out the day-to-day machinery of planning control (the system that decides what can be built, changed or used on land and buildings). It was later modernised by the Planning and Compulsory Purchase Act 2004, which reformed how strategic plans are made and, crucially, added the legal climate duty (described above).

A central requirement of the Act is that local planning authorities must make decisions based on the local development plan unless other material considerations indicate otherwise. A material consideration is a matter that is relevant to making a planning decision. Material considerations can include national and local policies (like the NPPF), government guidance, the effects of a development on public services, environmental impacts like flood risk, noise, and traffic, and the design and appearance of the proposed development.

While the Town and Country Planning Act 1990 itself doesn't contain a specific section mandating climate adaptation, it creates a practical or 'de facto' duty through its link to national policy. The NPPF (see *Section 2.3.3 National Planning Policy Framework*

<sup>13</sup> [National Planning Policy Framework](#)

<sup>14</sup> [Town and Country Planning Act 1990](#)

(NPPF)), which is a key material consideration, contains clear directives on climate resilience.

However, when determining planning decisions planners must apply a 'planning balance'. This involves weighing up climate resilience against other material considerations, such as local housing delivery targets, or the protection of heritage assets. To help them decide, they are required to consult expert bodies known as 'statutory consultees', such as the Environment Agency (See: *Text Box 6: Statutory Consultees in Planning.*)

The planning landscape also varies in areas with devolution. The Mayor of London and several Combined Authorities now produce Strategic Spatial Plans. Governed by the Combined Authorities (Spatial Development Strategy) Regulations 2018<sup>15</sup>, these high-level strategies set the direction for climate adaptation across wider regions, sitting above individual local council plans.

#### 2.1.4 Flood and Water Management Act 2010

Like town planning, flood risk management is a devolved matter, so Scotland and Northern Ireland have their own separate legislation. The Flood and Water Management Act 2010 (FWMA 2010)<sup>16</sup> vests places specific statutory duties in on local authorities in England and Wales (particularly county councils and unitary authorities designated as Lead Local Flood Authorities (LLFAs)). Key duties include:

- **Develop a Local Flood Risk Management Strategy:** Sections 9–10 require each LLFA to “develop, maintain, apply and monitor a strategy for local flood risk management in its area”<sup>17</sup>. This local strategy must assess flood risks (from surface water, groundwater, ordinary watercourses), set objectives and measures to reduce those risks, and outline how the measures will be funded and implemented.
- **Conduct Flood Investigations:** Section 19 imposes a duty on LLFAs to investigate significant flood incidents in their area and publish reports on the causes<sup>18</sup>.
- **Maintain Asset Register:** Section 21 requires LLFAs to establish and maintain a public register of structures or features that significantly affect flood risk (e.g. drainage assets, flood defences)<sup>19</sup>.
- **Sustainable Development Duty:** The FWMA 2010 also introduced a duty for all flood risk management authorities (including local authorities) to aim to contribute to sustainable development in exercising flood/coastal erosion functions<sup>20</sup>.

<sup>15</sup> [The Combined Authorities \(Spatial Development Strategy\) Regulations 2018](#)

<sup>16</sup> [Flood and Water Management Act 2010](#)

<sup>17</sup> [Flood and Water Management Act 2010 Section 9](#)

<sup>18</sup> [Flood and Water Management Act 2010 Section 19](#)

<sup>19</sup> [Flood and Water Management Act 2010 Section 21](#)

<sup>20</sup> [Flood and Water Management Act 2010 Section 27](#)

Statutory guidance has been issued to clarify this duty, requiring authorities to design climate adaptation projects that also deliver wider environmental, social, and economic benefits<sup>21</sup>.

*Text Box 1* provides an example from Sheffield to illustrate how these statutory duties operate in practice, particularly under the Flood and Water Management Act 2010.

*Text Box 1: Illustrating FWMA 2010 Duties in Sheffield*

### **Illustrating FWMA 2010 Duties in Sheffield**

The devastating floods of 2007 in Sheffield were a key catalyst that, along with other national flooding events, highlighted the need for new legislation, ultimately leading to the Flood and Water Management Act 2010 (FWMA 2010). When the Act came into force, it formally established Sheffield City Council as the Lead Local Flood Authority (LLFA) for its area, granting it new duties and powers to manage local flood risk.

In its new capacity as an LLFA, Sheffield City Council was required under Section 9 of the Act to develop, maintain, and apply a Local Flood Risk Management Strategy (LFRMS). This strategy was heavily informed by data and lessons from the 2007 floods, identifying the city centre's Lower Don Valley as a priority area due to its high surface-water flood risk.

The City's award-winning "Grey to Green" project<sup>22</sup> is a direct implementation of the objectives set out in this statutory LFRMS. To deliver on the strategy, the scheme repurposed redundant road space into a functional network of swales and rain gardens. This innovative use of sustainable drainage systems (SuDS) directly addresses the risks identified in the LFRMS. Furthermore, by delivering co-benefits such as enhanced biodiversity, improved public health through new pedestrian routes, and economic revitalisation, the project also fulfils the wider duty under the FWMA 2010 for flood risk management authorities to contribute to sustainable development.

## **2.1.5 Environment Act 2021**

The Environment Act 2021<sup>23</sup> has a complex territorial scope, and applies differently across the UK. For this report, the key duties placed on local authorities by the Act apply in England. As such, the Act introduces several statutory duties for local authorities in England that are relevant to climate adaptation. Enhancing nature and biodiversity is fundamental to adaptation because healthy ecosystems provide services that build resilience against climate impacts. For example, restored peatlands, wetlands and woodlands can naturally manage flood risk, increased tree cover in urban areas can provide cooling during heatwaves and reduce surface water flood risk, and healthy coastal habitats can protect against storm surges. These statutory duties introduced in

<sup>21</sup> [Guidance for risk management authorities on sustainable development in relation to their flood and coastal erosion risk management functions](#)

<sup>22</sup> [Grey to Green – Sheffield](#)

<sup>23</sup> [Environment Act 2021](#)



the Environment Act 2021 include the Biodiversity Duty, Local Nature Recovery Strategies (LNRS), Biodiversity Net Gain (BNG), Air Quality Management, and Drainage and Wastewater Management.

#### 2.1.5.1 Biodiversity Duty

Under Section 40 of the Natural Environment and Rural Communities Act 2006<sup>24</sup>, as amended by the Environment Act 2021, public authorities are mandated to consider action they can take to further the “*general biodiversity objective*”<sup>25</sup>. This duty requires local authorities to integrate biodiversity considerations into their service delivery, ensuring that actions contribute to the conservation and enhancement of biodiversity. Authorities must take into account relevant Local Nature Recovery Strategies, Species Conservation Strategies, and Protected Site Strategies as part of their normal service delivery (such as planning, land management, or public health). Additionally, Local Authorities (excluding parish councils) are obligated, under section 103<sup>26</sup>, to publish biodiversity reports. These reports must detail the actions taken to comply with this duty<sup>27</sup>.

This duty encourages the integration of nature-based solutions<sup>28</sup>, such as creating green infrastructure that can help mitigate flood risk and cool urban areas, with the potential of directly supporting local adaptation efforts.

#### 2.1.5.2 Local Nature Recovery Strategies (LNRS)

Under the Environment Act 2021<sup>23</sup>, Local Nature Recovery Strategies (LNRS) are created for large strategic areas, not by every individual council<sup>29</sup>. England is divided into 48 of these Local Nature Recovery Strategy areas<sup>30</sup>. For each area, the Secretary of State appoints a single ‘responsible authority’, such as a county council or combined authority, to lead the preparation of the area’s Local Nature Recovery Strategy. This responsible authority must collaborate with other local partners, including district, borough, and parish councils, to develop the strategy.

Once the strategy is complete, all public authorities within that area have a legal duty to “have regard to” it when carrying out their work. This means a district council, for example, must consider the LNRS when making planning decisions.

The strategies themselves identify local priorities and map proposals for specific actions to drive nature’s recovery. By planning for nature in this coordinated way, LNRS provide a strategic framework for creating resilient and connected green infrastructure networks essential for climate adaptation. This helps safeguard and restore nature itself, and nature in turn provides climate adaptation ‘eco-system services’ for local areas.

<sup>24</sup> [Natural Environment and Rural Communities Act 2006 Section 40](#)

<sup>25</sup> [Environment Act 2021 Section 102](#)

<sup>26</sup> [Environment Act 2021 Section 103](#)

<sup>27</sup> [Natural Environment Guidance](#)

<sup>28</sup> Actions that use natural features and processes to tackle societal challenges

<sup>29</sup> [Environment Act 2021 Section 104](#)

<sup>30</sup> [Local nature recovery strategies: areas and responsible authorities](#)



### 2.1.5.3 Biodiversity Net Gain (BNG)

Schedule 14 of the Environment Act 2021<sup>31</sup> introduces a mandatory Biodiversity Net Gain requirement for developments under the Town and Country Planning Act 1990<sup>32</sup>. From February 2024 for major developments, and from April 2024 for small sites, planning permissions must secure at least a 10% net gain in biodiversity. This is achieved through habitat creation or enhancement, either on-site or off-site, ensuring that development projects contribute positively to the natural environment<sup>33</sup>.

This requirement acts as a direct lever to embed green infrastructure and nature-based features into new developments, with the potential to help make communities more resilient to climate impacts such as flooding and heat stress.

### 2.1.5.4 Air Quality Management

The Act amends the Environment Act 1995<sup>34</sup> to strengthen the Local Air Quality Management framework<sup>35</sup>. Local authorities are required to take measures to reduce fine particulate matter (PM2.5) in their areas. District councils, in particular, are responsible for setting out local Air Quality Action Plans to address air pollution. Central government is tasked with setting legally binding targets for PM2.5.

Some potential actions to meet these targets, such as increasing urban tree and hedgerow cover to trap pollutants, also contribute to climate adaptation by providing shade and reducing local temperatures, and by reducing flood risk.

### 2.1.5.5 Drainage and Wastewater Management

The Act establishes a statutory framework for Drainage and Sewerage Management Plans (DWMPs) by amending the Water Industry Act 1991<sup>36</sup>. Sewerage undertakers (water companies) are now legally required to prepare, publish, and maintain plans detailing how they will manage and develop their drainage and sewerage systems over a minimum 25-year period, taking full account of future challenges like climate change<sup>37</sup>.

Importantly for local authorities, the statutory guidance that governs this process mandates that water companies must consult them in their capacity as both Lead Local Flood Authorities (LLFAs) and Local Planning Authorities (LPAs)<sup>38</sup>. This formal consultation requirement ensures that councils have a statutory role in shaping these long-term plans. It creates a mechanism to develop joint solutions for complex challenges like surface water drainage, align water infrastructure planning with local development strategies, and identify opportunities to co-fund resilience measures.

<sup>31</sup> [Environment Act 2021 Schedule 14](#)

<sup>32</sup> [The Biodiversity Gain \(Town and Country Planning\) Regulations 2024](#)

<sup>33</sup> [Biodiversity net gain](#)

<sup>34</sup> [Environment Act 1995](#)

<sup>35</sup> [Air quality strategy: framework for local authority delivery](#)

<sup>36</sup> [Water Industry Act 1991](#)

<sup>37</sup> [About the guidance and planning for drainage and wastewater management](#)

<sup>38</sup> [How to form, publish and maintain your drainage and wastewater management plan](#)

These plans are a critical tool for strategic, long-term adaptation, ensuring drainage infrastructure can cope with the increased rainfall intensity and flood risk associated with climate change.

### 2.1.6 Civil Contingencies Act 2004

While the Civil Contingencies Act 2004 (CCA 2004) is UK-wide, it is designed to work with the devolved governments. It places specific duties on the relevant authorities within each nation (England, Scotland, Wales, and Northern Ireland) to plan and respond to incidents<sup>39</sup>.

Local authorities are classed as Category 1 responders under the CCA 2004<sup>40</sup>, meaning they have civil protection duties that overlap with climate adaptation for extreme weather events. The CCA 2004 requires local authorities to assess the risk of emergencies, including natural hazards like flooding, storms or heatwaves, and to maintain up-to-date emergency plans<sup>41</sup>. In practice, councils must regularly produce Community Risk Registers through Local Resilience Forums (LRFs) and prepare contingency plans for risks exacerbated by climate change (flood response plans, drought management, etc.)<sup>42</sup>. The Act's risk assessment duty (to assess risks "*as often as necessary*") should ensure councils continually evaluate evolving climate risks and adapt their emergency planning accordingly.

### 2.1.7 Highways Act 1980

Local highway authorities in England (typically County Councils or Unitary Authorities) and Wales operate under a statutory duty to maintain roads as established by the Highways Act 1980<sup>43</sup>. Section 41<sup>44</sup> of the Act specifically imposes a duty on Local highway authorities to maintain highways that are '*maintainable at the public expense*'. This responsibility primarily covers the local road network. The strategic road network (motorways and major A-roads) is managed separately by National Highways.

This duty is increasingly relevant to climate adaptation, as fulfilling the requirement to keep roads safe now implicitly includes ensuring they are resilient to the impacts of a changing climate. Extreme weather events pose significant risks to the highway network; for instance, intense rainfall can overwhelm drainage systems and cause flooding, while prolonged heat can soften or deform road surfaces.

## 2.2 Discretionary Powers and Enabling Legislation

Beyond explicit duties, local authorities in England have broad powers to act on climate adaptation on a discretionary basis. Several pieces of legislation empower councils to go further in building resilience.

<sup>39</sup> [Preparation and planning for emergencies: responsibilities of responder agencies and others](#)

<sup>40</sup> [Civil Contingencies Act 2004](#)

<sup>41</sup> [Chapter 4 Local Responder Risk-Assessment Duty](#)

<sup>42</sup> [National Resilience Standards for Local Resilience Forums \(LRFs\)](#)

<sup>43</sup> [Highways Act 1980](#)

<sup>44</sup> [Highways Act 1980 Section 41](#)

## 2.2.1 General Power of Competence

The General Power of Competence (Localism Act 2011)<sup>45</sup> is a sweeping enabling power for eligible local authorities in England. Section 1 of the Localism Act gives principal local authorities “the power to do anything that individuals generally may do”<sup>46</sup>, unless specifically prohibited by law. In effect, this General Power of Competence (GPC) allows councils to undertake almost any climate adaptation initiative deemed necessary for their area<sup>47</sup>. For example, a council can develop a climate adaptation strategy, invest in flood defences or cooling centres, enter partnerships for catchment management, or run public awareness campaigns, even if no specific act mandates those actions. *Text Box 2* illustrates how Kent County Council has leveraged the GPC to develop practical climate adaptation initiatives such as the Severe Weather Impacts Monitoring System (SWIMS).

The GPC was designed, in part, to enable creative solutions to local problems (like climate risks). Importantly, the GPC covers actions for the well-being of the area, which includes preparing for future climate impacts. This provides a legal basis for many councils to adopt climate change action plans (including adaptation plans) under their general competency.

It is also important to distinguish principal authorities from the more local tier of government, known as parish, town, or community councils. These smaller councils operate below the district or unitary authority level, representing a specific local area and having much more limited powers and financial resources. These smaller councils can also hold the General Power of Competence, provided they meet certain eligibility criteria (such as having a qualified clerk and a sufficient number of elected councillors)<sup>48</sup>. For those that do, it gives them the same broad ability to act as principal authorities. However, parish councils that are not eligible for the GPC must rely on more specific and limited powers. For these councils, a key power is Section 137 of the Local Government Act 1972<sup>49</sup>, which allows them to spend a limited amount of money on projects for their area for which they have no other specific power. This traditional “free spending” power could support small-scale adaptation actions by these community councils, such as installing water butts or community shade structures.

*Text Box 2: Use of the General Power of Competence in Kent for adaptation actions*

### Use of LA Powers in Kent for adaptation actions

Kent County Council provides a clear example of how the General Power of Competence (GPC) granted by the Localism Act 2011 can be used to develop innovative solutions for climate adaptation. The Council led the development of the

<sup>45</sup> [Localism Act 2011](#)

<sup>46</sup> [Localism Act 2011 Section 1](#)

<sup>47</sup> [The General Power of Competence - LGA](#)

<sup>48</sup> [The Parish Councils \(General Power of Competence\) \(Prescribed Conditions\) Order 2012](#)

<sup>49</sup> [Local Government Act 1972 Section 137](#)

Severe Weather Impacts Monitoring System<sup>50</sup> (SWIMS) in 2012, a multi-agency data-sharing platform.

No single statute mandated the creation of such a system. Instead, the GPC provided the essential enabling power, giving the council the legal authority to "do anything that individuals generally may do." This allowed them to invest resources in developing the SWIMS tool and, crucially, to establish a wide-ranging partnership with other responders like the police, district councils, and the Environment Agency.

While the creation of SWIMS was a discretionary act enabled by the GPC, it directly supports Kent's statutory duties as a Category 1 responder under the Civil Contingencies Act 2004. That Act requires the council to assess risks, plan for emergencies, and cooperate with partners. SWIMS is the practical tool that helps fulfil these duties by:

- Building a detailed, evidence-based picture of vulnerability to severe weather.
  - Enabling partners to share real-time data and lessons learned.
- Strengthening the business case for investment in future resilience measures.

### 2.2.2 Planning Powers

Local authorities have significant planning control powers that can be used to advance adaptation. They derive this power from general planning legislation (Town and Country Planning Act 1990<sup>14</sup>) coupled with the National Planning Policy Framework (NPPF) (see *Section 2.3.3 National Planning Policy Framework (NPPF)*). The planning system has two main functions: plan-making (creating the Local Plan that sets out strategic priorities) and development management.

Plan-making involves creating the Local Plan that sets out strategic priorities. Because Local Plans can take years to update, councils can also use faster tools to set adaptation standards. They can introduce Supplementary Planning Documents (SPDs) or Design Codes. These provide immediate, detailed guidance on requirements like cooling measures or flood resilience, which developers are expected to follow.

Development management is the process of considering and deciding on planning applications for new buildings or changes of use. During this process, the local authority assesses proposals against the policies in its Local Plan and other material considerations (such as the NPPF). Through this development management process councils can attach planning conditions or obligations requiring climate resilience measures. For instance, councils can require new developments to include sustainable drainage (SuDS) and green roofs, and can refuse permission for development in high-risk flood zones.

<sup>50</sup> [SWIMS - Kent County Council](#)

A practical illustration of these planning powers can be seen in *Text Box 3*, which outlines Hull City Council's use of Sustainable Drainage Systems (SuDS) requirements to manage flood risk through its local planning policies.

*Text Box 3: Using Planning Powers in Practice: Hull's Approach to SuDS*

**Using Planning Powers in Practice: Hull's Approach to SuDS**

A significant part of Hull's flood risk stems from surface water runoff, exacerbated by impermeable surfaces such as traditional driveways and car parks. To address this, Hull City Council has embedded stringent water management policies into its planning framework and exercised its plan-making powers. The Hull Local Plan sets the strategic requirement for new developments to manage flood risk effectively. This high-level policy is supported by a detailed Sustainable Drainage (SuDS) Supplementary Planning Document (SPD)<sup>51</sup>.

This SPD provides specific, practical guidance that planning officers use when assessing applications. For instance, it mandates that all new and replacement hard surfacing, including driveways and parking areas, must be constructed from permeable materials or drain to a permeable area on the property. This ensures that rainwater soaks into the ground rather than overwhelming the public sewer system. This policy is enforced through the development management process. When a planning application is approved, the council attaches planning conditions that legally require the developer to construct the approved SuDS measures, including the permeable driveway. Failure to comply would be a breach of the planning permission.

However, councils do not control all construction. 'Permitted Development' rights allow building owners to make certain changes (such as converting offices into flats) without full planning permission. This can be a challenge for adaptation, because councils cannot assess and enforce climate resilience in the same way they can for developments with full planning permission.

Planning committees can negotiate Section 106 agreements<sup>52</sup> (of the Town and Country Planning Act 1990), also known as planning obligations, to secure developers' contributions to local adaptation projects (e.g. funding a flood embankment or contributing to a coastal defence scheme). However, these contributions are not a general tax. Specific payments, works, or other benefits that are secured from a developer through a Section 106 agreement must meet strict legal tests: they must be necessary to make the development acceptable, directly related to it, and fairly related in scale. This means the contribution must be used to reduce the specific impacts of that new development, usually in the local area. For example, a new housing development in a flood-risk area could be required to contribute to a local flood defence scheme, as this would be necessary to make the new homes safe and resilient.

<sup>51</sup> [Supplementary Planning Document \(SPD\) Living with Water](#)

<sup>52</sup> [Planning obligations: good practice advice](#)

Under planning legislation, councils can also designate *Conservation Areas or Tree Preservation Orders*<sup>53</sup>. The legal basis for these is amenity considerations (rather than primary adaptation considerations), but these preservation orders may also aid climate adaptation by preserving natural shade and runoff control.

In practice, planning decisions are made either by a committee of elected councillors or by planning officers acting under delegated powers. When determining planning applications they must balance climate resilience with other material considerations. Planners must often balance the need for resilient homes against the pressure to meet housing targets.

An applicant can appeal a planning application refusal to the independent Planning Inspectorate who can overturn a local council decision.

### 2.2.3 Flood Prevention

Under the Land Drainage Act 1991<sup>54</sup> permissive powers are held by district councils and Internal Drainage Boards (IDBs). IDBs are independent public bodies responsible for managing water levels and flood risk in specific low-lying districts, such as the Fens or the Somerset Levels<sup>55</sup>. These powers allow them to maintain watercourses and mitigate flooding. They can enforce riparian responsibilities or improve drainage infrastructure. Likewise, the FWMA 2010 (see *Section 2.1.4 Flood and Water Management Act 2010*) not only imposes duties but also grants powers (e.g. to designate structures that affect flood risk, and to consent to or carry out works on ordinary watercourses) to local authorities who can use these powers proactively, for example, by creating flood storage ponds or installing sustainable drainage systems on their land to adapt to heavier rainfall patterns.

### 2.2.4 Coastal Protection

The Coast Protection Act 1949<sup>56</sup> applies to Great Britain (England, Wales, and Scotland) and not to Northern Ireland. Under the act, coastal district councils have powers to carry out coastal protection works. This power is directly relevant to climate adaptation as it provides a legal tool to physically protect communities and infrastructure from the impacts of sea-level rise and increased more frequent and violent storms storminess, which cause coastal flooding and accelerate coastal erosion. With support from the Environment Agency, councils can use these powers to build hard defences like sea walls, create and protect natural defences such as dunes and salt-marshes, or undertake managed realignment projects. These are discretionary powers, and councils may act (often guided by Shoreline Management Plans) but are not required to protect every stretch of coast.

<sup>53</sup> [Tree Preservation Orders and trees in conservation areas](#)

<sup>54</sup> [Land Drainage Act 1991](#)

<sup>55</sup> [Internal Drainage Boards - Association of Drainage Authorities](#)

<sup>56</sup> [Coast Protection Act 1949](#)

A related and important tool for coastal adaptation is the power to designate Coastal Change Management Areas (CCMAs)<sup>57</sup>. A CCMA is an area identified in a local authority's development plan as being likely to be affected by physical changes to the coast, such as erosion or flooding. This planning designation is used to manage and restrict the type of development allowed in these high-risk zones. While the Coast Protection Act provides councils with powers for physical intervention, the ability to designate a CCMA gives them an important crucial planning-based power to proactively reduce future risks by steering development away from harm.

### 2.2.5 Environmental Management

Local authorities can also use powers under various environmental statutes laws to deal with the impacts of climate change. Under the Environmental Protection Act 1990<sup>58</sup> councils can deal with statutory nuisances. A statutory nuisance is an issue defined by law as "prejudicial to health or a nuisance." This includes problems like dust, steam, smell, accumulations of refuse, or animals kept in a way that is harmful to health. These powers can be used to address issues made worse by climate change; for example, taking action over dust problems during prolonged dry spells or managing waste to prevent smells and pests during heatwaves.

Local authorities also have powers under the Countryside Act 1968<sup>59</sup> to manage country parks and public rights of way. These can be used to enhance resilience, for example, by planting trees to shade walking routes or improving upland catchment areas to slow rainwater runoff.

### 2.2.6 Public Health and Housing

Local authorities also have powers in housing and public health that intersect with adaptation. Under the Housing Act 2004 (Housing Health and Safety Rating System<sup>60</sup>), councils have a duty to take action against the most serious health and safety hazards in dwellings, including in private rental properties. These "Category 1 hazards" include excess cold and excess heat. This means a council must require improvements, such as insulation or ventilation, in rental housing to ensure homes are safe in more extreme temperatures.

Furthermore, under public health and civil contingencies duties, councils must plan for emergencies. This includes preparing for heatwaves by coordinating emergency plans and taking action to protect vulnerable people, such as establishing cooling centres. Additionally, the Public Health (Control of Disease) Act 1984<sup>61</sup> as amended by the Health

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<sup>57</sup> [Flood risk and coastal change - What is a Coastal Change Management Area?](#)

<sup>58</sup> [Environmental Protection Act 1990](#)

<sup>59</sup> [Countryside Act 1968](#)

<sup>60</sup> [Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals](#)

<sup>61</sup> [Public Health \(Control of Disease\) Act 1984](#)



and Social Care Act 2008<sup>62</sup> gives councils certain powers in health protection (for instance, to set up emergency shelters or close premises in extreme events).

*Text Box 4* demonstrates how, through tools like the Housing Act 2004 and the associated discretionary powers it provides, London's local authorities are tackling the challenge of extreme heat, offering a distinctive model for urban climate adaptation.

*Text Box 4: Dealing with heat in London*

### Dealing with heat in London

In London, boroughs use two distinct sets of powers to tackle the risks from overheating: planning powers for new buildings and public health powers for existing residents.

#### 1. Using Planning Powers to Design Cooler Buildings

The London Plan<sup>63</sup>, the city's main strategic planning document, contains a policy to reduce overheating risk in **new developments**. It requires developers to follow a 'cooling hierarchy'. This means they must prioritise passive design measures (like better ventilation, shading and green infrastructure) before using mechanical cooling systems like air conditioning. This policy is enforced by London boroughs through the planning application process, using their powers under the Town and Country Planning Act 1990.

#### 2. Using Public Health Powers to Protect Vulnerable Residents

London boroughs also use public health and social care duties to protect vulnerable people in **existing buildings**. A practical example of this in action is the London Mayor's Care Home Overheating Audit Pilot Project<sup>64</sup>. This initiative uses the council's public health responsibilities to identify and reduce overheating risks for older people in care homes, who are among the most vulnerable to heat-related illness and death<sup>65</sup>.

Local Authorities also have powers to manage council properties. Under general local government legislation, particularly the Local Government Act 1972, councils can carry out necessary works on land and property they own. This power, reinforced by the General Power of Competence, enables them to implement adaptation measures (such as improving drainage or installing green infrastructure) on their own assets like parks, offices, and depots. For those authorities that retain housing stock, this power extends to their role as a landlord, allowing them to retrofit council homes with measures such as improved ventilation, insulation, or flood protection to safeguard tenants.

<sup>62</sup> [Health and Social Care Act 2008](#)

<sup>63</sup> [Policy 5.9 Overheating and cooling | London City Hall](#)

<sup>64</sup> [Care Home Overheating Audit Pilot Project](#)

<sup>65</sup> [ExecSummaryCare Home Overheating Audit Pilot](#)



### 2.2.7 Procurement

While not a direct statutory duty for climate adaptation, the way local authorities procure goods, works, and services offers a significant discretionary power and an enabling mechanism to support climate resilience.

The legal framework is now set by the Procurement Act 2023<sup>66</sup>, which came into force in late 2024. This Act, along with the National Procurement Policy Statement (NPPS)<sup>67</sup>, requires councils to have regard to national priorities, which explicitly include tackling climate change and achieving Net Zero.

The Act gives councils more flexibility to design their procurement processes to secure the best outcome. It introduces the concept of awarding contracts based on the "Most Advantageous Tender". This allows councils to give significant weight to environmental and social benefits, such as climate adaptation, rather than just price.

For example, when procuring a contract to build a new health and wellbeing hubs, or neighbourhood centres, a council could specify that bids will be evaluated on how well the design includes features like external shading to reduce overheating, or how the landscaping incorporates sustainable drainage systems (SuDS) to manage heavy rainfall.

Under this new regime, councils can embed climate adaptation criteria into their tenders, influencing supply chains and encouraging the use of resilient products and services. This allows them to give preference to bids that demonstrate strong climate resilience, such as by using flood-resilient materials, designing infrastructure to withstand extreme weather, or providing services that help communities adapt to climate impacts.

## 2.3 Statutory Guidance and National Policies

Over and above legislation and duties, a collection of statutory guidance and national policies directs and supports local authorities in climate adaptation. These instruments, while sometimes not legally binding, heavily influence councils' actions by shaping expectations and providing frameworks.

### 2.3.1 UK Climate Change Risk Assessment (CCRA)

Under the Climate Change Act 2008, the UK Government must publish a Climate Change Risk Assessment (CCRA) every five years, informed by the independent Climate Change Committee (CCC) analysis<sup>9</sup>. The CCRA is a statutory report laid in Parliament and identifies key climate risks and opportunities for the UK. The CCRA provides a national overview of climate risks and guides where local authorities should focus their efforts (flood management, urban overheating, etc.). However, it also serves as a flexible foundation for local adaptation planning. Some councils and Combined Authorities, such as those in Greater Manchester and the West Midlands, have successfully adjusted the CCRA data to fit their local conditions. This allows them to identify additional, locally

<sup>66</sup> [Procurement Act 2023](#)

<sup>67</sup> [National Procurement Policy Statement](#)

relevant risks that a national overview might miss, such as the risk of increasing health inequalities due to climate impacts.

### 2.3.2 National Adaptation Programme (NAP)

Also mandated by the Climate Change Act 2008, the NAP is produced by the UK Government on a five-year cycle to set out actions to address the CCRA-identified risks. The Third National Adaptation Programme (NAP3, 2023–2028)<sup>68</sup> is the current strategy. The NAP is a policy document rather than legislation, but it contains objectives and measures that filter down to the local level. For example, NAP3 calls for improving the climate resilience of communities through local planning, enhancing natural flood management, and ensuring local infrastructure and services (health, transport, etc.) have adaptation plans. It also emphasises support for local authorities, proposing improvements in data, skills, and funding for local adaptation (in response to councils' feedback). While the NAP does not legally compel individual councils to adapt, it establishes a national policy expectation that every council should have an adaptation plan or integrate adaptation into its climate action plan. In effect, the NAP is a strategic roadmap aligning central and local efforts.

### 2.3.3 National Planning Policy Framework (NPPF)

The NPPF is a central government policy document that serves as a key material consideration in local planning. The framework contains guidance on climate adaptation, and recent amendments have included consideration of climate change adaptation in decision-making as well as plan-making, and a broader coverage of hazards to consider drought and overheating. Chapter 14 of the NPPF specifically focuses on “Meeting the challenge of climate change, flooding and coastal change”<sup>69</sup> and states that local plans are expected to:

*“take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures...”*<sup>70</sup>

The NPPF also notes that new development should be planned to avoid increased vulnerability to climate impacts and incorporate suitable adaptation measures (for example, green infrastructure, sustainable drainage)<sup>71</sup>. At the decision level, paragraph 163 instructs that plans “*should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts*”<sup>72</sup>, ensuring that development control addresses issues like flood resilience and urban heat.

<sup>68</sup> [Third National Adaptation Programme \(NAP3\)](#)

<sup>69</sup> [National Planning Policy Framework - 14. Meeting the challenge of climate change, flooding and coastal change - Guidance](#)

<sup>70</sup> [National Planning Policy Framework - Paragraph 162](#)

<sup>71</sup> [National Planning Policy Framework - Paragraph 164](#)

<sup>72</sup> [National Planning Policy Framework – Paragraph 163](#)

The NPPF states that, where new development is brought forward in vulnerable areas, risks should be managed through suitable adaptation measures. Failure to align with these policies can mean applications are refused or local plans are not approved. The NPPF therefore provides a national policy baseline that local authorities implement through local policy and development management. The NPPF can be a key lever for embedding climate adaptation into local plan-making and decision-making. To understand how this translates into legal requirements, it is important to distinguish between national policy and statutory duty, a relationship that is clarified in *Text Box 5*.

*Text Box 5: Planning Duty and Planning Policy*

### **The NPPF and Planning Duties**

It is important to distinguish between the statutory **duty** placed on councils by law and the national **policy** that guides how they meet that duty. Both work together to ensure climate adaptation is included in planning.

The Planning and Compulsory Purchase Act 2004 places a clear and direct **legal duty** on local authorities regarding climate change. The Act legally requires that their local development plans must include policies designed to ensure that the development and use of land contribute to climate change adaptation. This is a mandatory, statutory obligation.

The NPPF is the government's national policy document that explains **how** a council should fulfil the legal duty described above. It is policy guidance rather than law, but can have legal weight. The law requires planning decisions to be made in line with the local plan, unless a material consideration indicates otherwise. The NPPF is a primary material consideration, meaning it must be taken into account in virtually all planning decisions.

### **2.3.4 Planning Practice Guidance (PPG) on Climate Change and Flood Risk**

The government maintains an online PPG that supplements the NPPF with more detailed guidance. For example, PPG on Climate Change<sup>73</sup> advises how local plans should test climate scenarios, design adaptive policies, and ensure viability. The PPG on Flood Risk and Coastal Change<sup>74</sup> provides step-by-step guidance on accounting for flood risk in planning, including guidance on site-specific flood risk assessments and the 'sequential approach' to development location. This approach helps to ensure that development is steered towards the areas of lowest risk. The PPG also includes guidance on designing SuDS and safeguarding drainage exceedance flow paths. Local planning officers rely on this guidance when formulating policies or conditioning developments. While PPG lacks the force of statute, its status as official government guidance means it can be cited in planning appeals and judicial reviews to demonstrate whether a council acted in line with

<sup>73</sup> [Guidance - Climate change](#)

<sup>74</sup> [Flood risk and coastal change](#)

national advice. It thus influences councils' exercise of powers by filling in technical details on how to consider specific climate risks in planning. In addition to this written guidance, the planning system also ensures expert advice is formally considered through the mechanism of statutory consultees, which is explained in *Text Box 6*. However, it is important to note that this is likely to change. The government has proposed reforms under the Planning and Infrastructure Bill to streamline the planning process, which may reduce the role of these consultees in the future<sup>75</sup>.

*Text Box 6: Statutory Consultees in Planning*

**The Role of Statutory Consultees in Planning**

Another important mechanism for ensuring climate adaptation is considered in planning is the formal role of statutory consultees. These are expert organisations that local planning authorities are legally required to consult on certain types of planning applications. Their purpose is to provide specialised technical advice to help the planning authority make a sound decision<sup>76</sup>.

For issues related to climate adaptation, flooding, and the environment, the key statutory consultees include:

- The Environment Agency, which provides advice on flood risk, water quality, and coastal change.
- Natural England, which advises on impacts to protected sites and species, biodiversity, and landscapes.
- National Highways, which is consulted on developments affecting the strategic road network.

When consulted, the advice provided by these bodies is a material consideration in the planning process. While a council is not legally bound to follow the advice, they must have very strong planning reasons for going against it, especially if the consultee raises a major objection. This formal process provides a powerful check and balance, ensuring that expert guidance on flood risk and environmental resilience is applied directly to development proposals.

### 2.3.5 National Flood and Coastal Erosion Risk Management Strategy (England)

Flood management duties are shared between national and local bodies. Under Section 7 of the Flood and Water Management Act 2010 (FWMA), the Environment Agency has a legal duty to develop a national strategy for flood and coastal erosion risk management, and separately, requires Lead Local Flood Authorities (LLFAs) to produce local strategies.

#### **The Council's Strategic Role as a Lead Local Flood Authority (LLFA)**

<sup>75</sup> [Reforms to the statutory consultee system](#)

<sup>76</sup> [Consultation and pre-decision matters](#)

Under the Flood and Water Management Act 2010 (FWMA), LLFAs have a statutory duty to develop, maintain, and apply a Local Flood Risk Management Strategy for their area. This local strategy must be consistent with the national Flood and Coastal Erosion Risk Management (FCERM) Strategy (2020)<sup>77</sup>.

The national FCERM Strategy sets guiding principles such as “Resilient Infrastructure” and “Prepared Communities”. It encourages a flexible “adaptive pathways” approach to planning for future flooding and coastal change. To ensure this vision turns into action, the Environment Agency also publishes the FCERM Strategy Roadmap to 2026<sup>78</sup>. This Roadmap sets out the practical steps and specific actions that the Environment Agency and its partners, including local authorities, will take up to 2026 to improve resilience. It translates the long-term strategy into immediate delivery goals.

While the national strategy is not legally binding on councils in itself, aligning a local strategy with it is essential for securing national funding for flood defence schemes. Therefore, it operates as a crucial guidance document steering a council's long-term investment and flood management priorities. Funding for these local schemes is guided by long-term government commitments, such as those in the National Infrastructure Strategy<sup>79</sup>.

### **The Council's Regulatory Role in the Planning System**

Separately, the national approach to flood risk also strongly influences the planning system. To ensure these strategic goals are implemented consistently in planning and design, the Environment Agency publishes specific guidance on climate change allowances that must be used in flood risk assessments (FRAs)<sup>80</sup>. This guidance translates broad policy into concrete numbers, requiring developers and planners to account for future climate impacts by applying specific percentage increases for peak river flow and rainfall intensity, and defined allowances for sea level rise, often tailored by region and time epoch. The application of these climate allowances is a standard and enforceable part of the planning process for any development proposed in flood-risk areas.

#### **2.3.6 Local Adaptation Advisory Panel (LAAP) & Guidance**

The LAAP is a forum established by DEFRA in 2011 to bridge the gap between central government and local authorities in climate adaptation. It is composed of local government representatives (e.g. through the Local Government Association (LGA) and The Association of Directors of Environment, Economy, Planning and Transport (ADEPT)). The LAAP does not issue binding rules, but it has co-produced important guidance for local authorities (e.g. DEFRA and LAAP jointly published “*Preparing for a Changing Climate: Good Practice Guidance for Local Government*”<sup>81</sup>). This guidance provides

<sup>77</sup> [Environment Agency – National Flood and Coastal Erosion Risk Management Strategy for England](#)

<sup>78</sup> [FCERM Strategy Roadmap to 2026](#)

<sup>79</sup> [UK Infrastructure: A 10 Year Strategy](#)

<sup>80</sup> [Flood risk assessments: climate change allowances](#)

<sup>81</sup> [Good Practice Guide ADEPT 2019](#)

councils with a practical framework for assessing climate risks, developing adaptation plans, and integrating adaptation into services. It covers topics like conducting local climate risk assessments, engaging stakeholders, and evaluating the costs and benefits of adaptation options.

### 2.3.7 Other National Policies and Guidance

A range of broader government policies inform and motivate local adaptation:

- The **Environmental Improvement Plan (2023)**<sup>82</sup> is a requirement of the Environment Act which must be produced and reviewed by the Secretary of State every five years and reported on annually. It builds on the 25 Year Environment Plan and the Environment Act 2021, setting out a comprehensive plan to improve the environment and address improve mitigation of climate change and adaptation to climate change.
- The **Green Infrastructure Framework (2023)**<sup>83</sup> from Natural England provides principles, standards, and tools to help local authorities plan and deliver more green infrastructure. This is vital for creating healthier, more climate-resilient places through measures like urban cooling, sustainable water management, and enhanced biodiversity.
- The **Government's Plan for Water (2023)**<sup>84</sup> focuses on addressing the issues of water pollution, resource management, and the need for increased water resilience.
- The **National Framework for Water Resources (2025)**<sup>85</sup>, from the Environment Agency, complements the Plan for Water by setting out a long-term, strategic plan for managing water resources. It helps local authorities and other stakeholders plan for future water needs and improve regional resilience to climate-driven risks like drought.
- The **Land Use Framework (2025)**<sup>86</sup> once published, will be important for balancing competing demands on land, including energy production, food production, housing development, and nature restoration.
- The **National Infrastructure Strategy**<sup>79</sup> and **National Flood Resilience Review**<sup>87</sup> highlight the need for local and regional infrastructure (roads, drainage, hospitals) to be climate-resilient, prompting local audits and upgrades.
- The **Adverse Weather and Health Plan (AWHP)**<sup>88</sup> is a comprehensive strategy developed by the UK Health Security Agency (UKHSA) and other partners to protect individuals and communities from the health risks associated with extreme weather events.

<sup>82</sup> [Environmental Improvement Plan 2023](#)

<sup>83</sup> [Natural England unveils new Green Infrastructure Framework](#)

<sup>84</sup> [Plan for Water: our integrated plan for delivering clean and plentiful water](#)

<sup>85</sup> [The National Framework For Water Resources 2025](#)

<sup>86</sup> [National Framework for Water Resources 2025: water for growth, nature and a resilient future](#)

<sup>87</sup> [National Flood Resilience Review](#)

<sup>88</sup> [Adverse Weather and Health Plan](#)



- Sectoral policies, e.g. in health (Heatwave Plan for England<sup>89</sup>) and in transport (DfT guidance on highway drainage and extreme temperatures in public transport<sup>90</sup>), require local implementation. Councils as highway authorities receive guidance on designing roads for higher temperatures and intense rainfall.
- The **Green Book Supplementary Guidance, Accounting for the Effects of Climate Change**<sup>91</sup> assists policymakers and analysts in integrating climate change considerations into policy appraisal. It emphasises a proportionate approach to climate risk assessment, ensuring that policies, programmes, and projects are resilient to future climate risks.

## 2.4 Programmes and Support for Local Authority Adaptation

Local authorities across the UK can access a range of programmes and initiatives to support their efforts to adapt to climate change. These programmes provide funding, technical assistance, and strategic guidance to enhance resilience against climate-related impacts. Some of these programmes and initiatives are summarised here.

### 2.4.1 Government Funding Support

- The **Flood and Coastal Erosion Risk Management (FCERM) Grant-in-Aid**<sup>92</sup>: This remains a primary source of funding. The government is in the later stages of its current six-year, £5.2 billion capital investment programme, which runs from 2021 to 2027<sup>93</sup>.
- The **National Wealth Fund**<sup>94</sup>: This fund (formerly the UK Infrastructure Bank) offers loans and advisory support to local authorities for significant climate-related projects, helping to finance complex infrastructure developments that can reduce carbon emissions, promote growth and can enhance climate resilience.
- **Ministry of Housing, Communities and Local Government (MHCLG) Funding**: Various funds from MHCLG, such as the Plan for Neighbourhoods<sup>95</sup>, can also support adaptation. While not exclusively for climate, this funding allows communities to create and deliver their own plans for their areas, which can include projects like improving local parks and green spaces that build resilience to heat and flooding.
- The **UK Shared Prosperity Fund (UKSPF)**<sup>96</sup>: This fund is a UK government initiative launched in April 2022 to replace EU structural funds. It initially allocated £2.6 billion across the UK for the period up to March 2025 and has been extended for the 2025-26 financial year. However, this funding is set to end in March 2026. Currently, there are no details available regarding the new 'Local Growth Fund'

<sup>89</sup> [Heatwave Plan for England](#)

<sup>90</sup> [DfT Climate Change Adaptation and Transport Infrastructure REA](#)

<sup>91</sup> [Accounting for the effects of climate change supplementary guidance](#)

<sup>92</sup> [Flood and coastal erosion risk management projects and funding](#)

<sup>93</sup> [Flood risk management and funding - House of Commons Library](#)

<sup>94</sup> [National Wealth Fund](#)

<sup>95</sup> [Plan for Neighbourhoods: prospectus](#)

<sup>96</sup> [The UK Shared Prosperity Fund \(UKSPF\) | LGA](#)

that is expected to replace it. While its primary objectives focus on enhancing community pride, improving skills, and supporting local businesses, the UKSPF also offers opportunities for local authorities to fund climate adaptation projects. Under the 'Communities and Place' investment priority, councils can allocate resources to initiatives that bolster community infrastructure resilience, such as enhancing green spaces. However, the fund's broad scope means that adaptation projects must compete with other priorities like skills development and business support.

- The **Flood Recovery Framework** provides government funding to local authorities after severe flooding. It is activated when a flood event is significant enough to trigger emergency support. The framework covers costs for council recovery efforts, but also provides specific grants for affected communities and businesses. Importantly, it includes funding for 'Property Flood Resilience' measures, helping homeowners install defences to protect against future floods<sup>97</sup>.

## 2.4.2 Government-Led Technical Assistance and Tools

There is a range of adaptation-related programmes and tools to support local authorities in adapting to climate change. Some of the support mechanisms are:

- **The Local Authority Climate Service (LACS)**<sup>98</sup>: The LACS was launched by the Met Office and funded by DEFRA. It is an interactive tool that provides local authorities with tailored climate data, enabling them to explore local climate projections, visualise area-specific climate challenges, and effectively communicate climate narratives.
- **Environment Agency Data & Maps**: The Environment Agency provides critical data that underpins local adaptation planning. This includes the national Risk of Flooding from Rivers and Sea<sup>99</sup>, which identifies areas at risk from river and sea flooding under different climate scenarios, and the National Coastal Erosion Risk Map<sup>100</sup>. Both are essential for creating local plans and making decisions on planning applications in high-risk zones.
- The Department for Energy Security and Net Zero (DESNZ) also provides guidance and data related to climate resilience, particularly on the risk of **overheating in homes**<sup>101</sup>. This helps councils to develop policies and public health messages to improve household resilience to heatwaves. For immediate response, the UK Health Security Agency (UKHSA) provides real-time Heat-Health Alerts and sector-specific 'action cards'. These tools allow councils to target their public health messages and support services effectively during heatwaves<sup>102</sup>.

<sup>97</sup> [Flood recovery framework: guidance for local authorities in England](#)

<sup>98</sup> [Local Authority | The Met Office climate data portal](#)

<sup>99</sup> [Risk of Flooding from Rivers and Sea - Climate Change 1](#)

<sup>100</sup> [National Coastal Erosion Risk Mapping \(NCERM\)](#)

<sup>101</sup> [Overheating In Homes](#)

<sup>102</sup> [Heat health alerts | UKHSA data dashboard](#)



- **NHS Climate Change Risk Assessment Tool**<sup>103</sup>: This resource is designed to help NHS organisations identify and assess climate-related risks to their operations and healthcare delivery.
- **Access to Specialist Advice**: Direct access to experts at the Environment Agency and Natural England is a key form of technical assistance. This is available through their formal role as statutory consultees in the planning process, where they provide specific advice on issues like flood risk and biodiversity for development proposals (see Text Box 6: Statutory Consultees in Planning).

### 2.4.3 Other Technical Assistance

- **Local Partnerships**<sup>104</sup> is a public sector delivery partner that is jointly owned by the HM Treasury, the LGA and the Welsh Government. Local Partnerships offer support to local authorities, assisting in the development of risk assessments and adaptation strategies. The Local Partnerships have also issued a *Climate Adaptation Toolkit for Health and Social Care*<sup>105</sup>, which local authority social services and emergency planners can use to protect public health from climate impacts (extreme heat, new diseases, etc.).
- The **Local Government Association (LGA)**, in collaboration with Local Partnerships, has developed the "Financing Green Ambitions" guide to assist councils in England with identifying and securing appropriate funding for their environmental initiatives<sup>106</sup>. This guide offers practical advice and showcases examples of successful practices, aiming to support local authorities in achieving their climate-related objectives effectively.
- The **Local Climate Adaptation Tool (LCAT)**<sup>107</sup>, developed by the University of Exeter and Cornwall Council is a free and open-source platform designed to assist local authorities and public services in understanding the health implications of climate change within their communities. The tool aims to support councils, the NHS, emergency services, and other stakeholders in prioritising climate adaptation actions that promote public health and well-being.
- The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) and the Environment Agency have launched the **Rapid Adaptation Pathway Assessment (RAPA) toolkit**<sup>108</sup>. This resource is designed to help local authorities quickly assess their readiness for climate change impacts. It guides councils through a process to identify their current strengths and weaknesses, helping them to prioritise the most effective actions to prepare for future climate impacts.

<sup>103</sup> [NHS England - Climate adaptation resources](#)

<sup>104</sup> [Climate adaptation toolkit and risk generator](#)

<sup>105</sup> [Health and social care climate adaptation toolkit](#)

<sup>106</sup> [Guide: Financing Green Ambitions | LGA](#)

<sup>107</sup> [LCAT: Local Climate Adaptation Tool](#)

<sup>108</sup> [Rapid Adaptation Pathways Assessment \(RAPA\) Toolkit | ADEPT](#)

### 2.4.4 Other Initiatives

- The **Adaptation Reporting Power (ARP)** is a process established under the Climate Change Act 2008. It gives the government the power to require public bodies and key infrastructure operators (such as those in the water, transport, and energy sectors) to report on how they are assessing and managing climate change risks. This provides a key mechanism for understanding and tracking adaptation progress across the country. While many public bodies are directed to report, participation for local authorities has historically been voluntary. However, the most recent round of reporting (ARP4) included a specific Local Authority Pilot<sup>10</sup>. This pilot involved UK local authorities detailing current and projected climate impacts, proposed adaptation measures, and progress assessments. The primary purpose of this pilot was to test the reporting process for local government. The findings are intended to help inform a decision on whether adaptation reporting should become a statutory duty for all local authorities in the future.
- The **Maximising UK Adaptation to Climate Change (MACC)**<sup>109</sup> programme is a £15 million initiative funded by UK Research and Innovation (UKRI) and DEFRA to enhance the UK's resilience to climate change. The MACC comprises a Climate Change Adaptation Hub and six research projects focusing on areas such as restoring natural habitats, analysing climate-induced food price shocks, and protecting vulnerable populations from extreme weather events. The MACC knowledge portal is designed to address the evolving needs of key stakeholders (including public sector professionals) working within the climate adaptation sector in the UK.

### 2.4.5 Other Reporting Requirements

Beyond the external framework of statutory duties and national policies, a council's own internal governance and reporting processes provide a critical, often overlooked, mechanism for driving accountability on climate adaptation. While this report focuses primarily on the explicit legal landscape for adaptation, these internal drivers are key to translating high-level risk into tangible action, particularly when external duties are ambiguous or under-resourced.

- **Corporate Risk Registers:** Local authorities are required to manage risks to their services, finances, and assets. The Corporate Risk Register is the primary tool for this, where significant risks are identified, scored for likelihood and impact, and assigned to a senior officer for management. The duties under the Civil Contingencies Act 2004 require councils to assess risks from emergencies like floods and heatwaves. Some councils (such as Reading Borough Council<sup>110</sup>) have translated these external threats into specific entries on their internal risk register. By formally acknowledging "failure to adapt services to climate change" as a high-level corporate risk, a council forces its senior leadership and elected members

<sup>109</sup> [Maximising UK Adaptation to Climate Change \(MACC\) – UKRI](#)

<sup>110</sup> [Reading Borough Council Agenda Document for Audit and Governance Committee July 2024](#)

to take ownership, monitor the threat, and allocate resources to mitigation measures, creating a powerful internal driver for adaptation.

- **Financial Reporting and Annual Accounts:** There is increasing pressure on public bodies to disclose climate-related financial risks in their annual statements<sup>111</sup>. This shifts the issue of adaptation from a purely environmental concern to a core financial management and fiduciary duty. When a council's Director of Finance must account for the potential financial impact of climate change on the authority's assets (e.g. the cost of flood damage to council buildings) or its ability to deliver services, it ensures that adaptation is considered at the highest level of corporate governance.

While other internal reporting requirements exist, such as for greenhouse gas emissions, these are primarily focused on climate mitigation (reducing the council's carbon footprint). Although often managed together in a single "Climate Action Plan," the accountability mechanisms can be distinct. The internal accountability for adaptation is most powerfully driven through the language of risk to services, people, and finances, which can be captured in corporate risk and financial reporting.

## 2.5 Summary of Duties and Powers

A summary of the duties and powers of Local Government in England to adapt to climate change is provided in Table 1.

*Table 1: Summary of climate adaptation duties and powers of LAs in England*

Type	Enabler	Scope	Description
Duty	Planning and Compulsory Purchase Act 2004	England and Wales	Local plan-making must include policies designed to ensure that the development and use of land contribute to climate change adaptation. Every local development plan must contain policies addressing climate adaptation.
Duty	Town and Country Planning Act 1990 (via National Planning Policy Framework)	England	Local planning authorities must consider material considerations like flood risk and coastal change in development control. Planning decisions must align with plan policies and national policies on climate resilience.

<sup>111</sup> [Public sector sustainability reporting: time to step it up. CIPFA](#)

Type	Enabler	Scope	Description
Duty	Flood and Water Management Act 2010	England and Wales	Lead Local Flood Authorities (LLFAs) must develop, maintain, apply, and monitor a Local Flood Risk Management Strategy. LLFAs must investigate significant flood incidents and publish reports. LLFAs must establish and maintain a public register of structures or features that significantly affect flood risk. Flood risk management authorities must aim to contribute to sustainable development.
Duty	Environment Act 2021 (amending Natural Environment and Rural Communities Act 2006)	England	Public authorities must consider action to further the “general biodiversity objective,” integrating biodiversity into service delivery. Local Authorities must report on actions taken to comply with this duty.
Duty	Environment Act 2021	England	Mandates the creation of Local Nature Recovery Strategies (LNRS) to identify priorities and map proposals for nature's recovery. Responsible authorities lead the preparation of these strategies.
Duty	Environment Act 2021	England	Introduces a mandatory Biodiversity Net Gain (BNG) requirement (at least 10%) for developments under the Town and Country Planning Act 1990.
Duty	Environment Act 2021	England	Local authorities are required to take measures to reduce fine particulate matter (PM2.5). District councils are responsible for local Air Quality Action Plans.
Duty	Civil Contingencies Act 2004	UK-wide	Category 1 responders (including local authorities) must assess the risk of emergencies (including natural hazards like flooding, drought, storms, heatwaves) and maintain up-to-date emergency plans. Councils must regularly produce Community Risk Registers and prepare contingency plans.

Type	Enabler	Scope	Description
Duty	Highways Act 1980	England and Wales	LAs must maintain roads in a safe and usable condition for ordinary traffic.
Power	Town and Country Planning Act 1990	England and Wales	Local authorities can: <ul style="list-style-type: none"> <li>• Attach planning conditions or obligations requiring climate resilience measures (e.g., SuDS, green roofs).</li> <li>• Negotiate Section 106 agreements for developer contributions to adaptation projects.</li> <li>• Designate Conservation Areas or Tree Preservation Orders.</li> <li>• Refuse proposals which are unsafe or exacerbating climate risks.</li> </ul>
Power	Flood and Water Management Act 2010	England and Wales	Grants powers to Lead Local Flood Authorities (LLFAs) and other Risk Management Authorities (RMAs) to designate structures affecting flood risk and to consent to or carry out works on ordinary watercourses. Local authorities can proactively create flood storage ponds or install SuDS on their land.
Power	Land Drainage Act 1991	England and Wales	District councils and internal drainage boards have permissive powers to maintain watercourses and mitigate flooding.
Power	Coast Protection Act 1949	Great Britain	Maritime district councils as designated as Coast Protection Authorities have powers to carry out coastal protection works to prevent erosion by the sea, relevant for sea-level rise and coastal erosion adaptation.
Power	Environmental Protection Act 1990	Great Britain	Councils can deal with statutory nuisances, which can include issues exacerbated by climate change.
Power	Countryside Act 1968	England and Wales	Councils can manage country parks and public rights of way, which can be used to enhance

Type	Enabler	Scope	Description
			resilience (e.g. shading routes, improving upland catchments).
Power	Localism Act 2011	England	General Power of Competence (GPC) allows principal local authorities to do anything that individuals generally may do, unless specifically prohibited by law, enabling them to undertake climate adaptation initiatives.
Power	Local Government Act 1972	England and Wales	Councils without GPC (e.g. town and parish councils) may incur expenditure for the benefit of their area or residents up to a financial limit, supporting small-scale adaptation.
Power	Housing Act 2004 (Housing Health and Safety Rating System)	England	Councils can enforce remedies for health hazards exacerbated by climate change in dwellings, including excess cold or heat, requiring improvements like insulation or ventilation.
Power	Public Health (Control of Disease) Act 1984	England and Wales	Gives councils certain powers in health protection, e.g. setting up emergency shelters or closing premises in extreme events.
Power	Procurement Act 2023	England, Wales, and Northern Ireland	Local authorities can embed climate adaptation criteria into procurement processes, influencing supply chains and encouraging resilient products/services, supported by an emphasis on public benefit and social value.

In summary, local authorities in England navigate a complex, multi-level governance framework for direct action on climate change adaptation and actions that may not have climate change adaptation as their primary objective but have the potential to improve or hinder adaptation. While no single, overarching statutory "climate adaptation duty" exists<sup>112</sup>, clear obligations (and opportunities and levers for going beyond these) are nonetheless embedded within diverse legislative mandates. These include the critical

<sup>112</sup> It is worth noting that the Environmental Targets (Public Authorities) Bill, a Private Members' Bill introduced in the House of Lords aims to impose a statutory duty on a wide range of public bodies, including local councils. This duty would compel public bodies to actively consider and contribute to the achievement of environmental targets set under the Environment Act 2021 and the Climate Change Act 2008.

requirement under the Planning and Compulsory Purchase Act 2004 (as amended by the Levelling up and Regeneration Act 2023) for local plans to incorporate policies on climate adaptation, the specific flood risk management duties for Lead Local Flood Authorities under the Flood and Water Management Act 2010, emergency preparedness responsibilities via the Civil Contingencies Act 2004, and biodiversity and nature recovery duties within the Environment Act 2021. A more detailed assessment of the challenges and success factors that enable adaptation at the local authority level is provided in an aligned report.

## 3 Powers and Duties of Scottish Local Authorities for Climate Change Adaptation

This chapter explores the distinct legal and policy framework for local authorities adapting to climate change in Scotland. It breaks down the clear statutory duties that mandate action, the well-established enabling powers that support voluntary initiatives, and the national strategies that provide strategic direction. For clarity, these responsibilities are consolidated in *Table 2* at the end of this chapter.

### 3.1 Legislation and Statutory Duties

Scottish local authorities have a general duty to address climate change impacts by contributing to the Scottish National Adaptation Plan<sup>3</sup> and acting sustainably. Various legislation defines their responsibilities in this area.

#### 3.1.1 Climate Change (Scotland) Act 2009

While the UK Climate Change Act 2008 provides a UK-wide framework (see *Section 2.1.1 Climate Change Act 2008*), climate change is largely a devolved matter in Scotland. Therefore, the primary statutory duties for Scottish local authorities are set out in Scotland's own legislation. The Climate Change (Scotland) Act 2009<sup>113</sup> imposes a general climate change duty on all public bodies (including councils) in Scotland. Section 44 of the 2009 Act requires that a public body, in exercising its functions, must act “*in the way best calculated to help deliver*”<sup>114</sup> Scotland’s statutory climate change adaptation programme. Councils are, therefore, legally obligated to factor in climate risks and support national adaptation objectives in their decision-making. The Scottish Ministers also introduced The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 (SSI 2015/347)<sup>115</sup>. This order requires councils to report annually on how they are meeting these duties, including what the council is doing to contribute to Scotland’s Climate Change Adaptation Programme<sup>116</sup>. This reporting requirement, and how it differs from a duty to create a formal plan, is a key feature of the Scottish system, as explained in *Text Box 7*.

*Text Box 7: Adaptation Reporting vs Adaptation Planning in Scotland*

#### **Adaptation Reporting vs Adaptation Planning in Scotland**

The Climate Change (Scotland) Act 2009 and its subsequent 2015 Reporting Order impose a legal duty on councils to report annually on their adaptation activities, risks, and governance. This requirement to report, however, should not be confused with a legal duty to create a specific 'adaptation plan'. As the format for planning is not prescribed in law, local authorities can fulfil their duties by integrating adaptation into

<sup>113</sup> [Climate Change \(Scotland\) Act 2009](#)

<sup>114</sup> [Climate Change \(Scotland\) Act 2009 Section 44](#)

<sup>115</sup> [The Climate Change \(Duties of Public Bodies: Reporting Requirements\) \(Scotland\) Order 2015](#)

<sup>116</sup> [Public Bodies Climate Change Duties Reports](#)



various corporate and service plans. Consequently, while many councils do develop adaptation plans, it is not a legal necessity, which leads to a varied and inconsistent adaptation planning landscape across Scotland<sup>117</sup>.

### 3.1.2 Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Scotland) Act 1997<sup>118</sup>, as amended, establishes the legal foundation for land use planning in Scotland. Under this Act, local authorities have a long-standing duty to prepare development plans that address climate change. This duty was significantly strengthened by the Planning (Scotland) Act 2019<sup>119</sup>. The 2019 Act made Scotland's National Planning Framework (NPF) part of the statutory development plan. As a result, councils now have a direct legal duty to follow the policies within the current National Planning Framework 4 (NPF4) (see *Section 3.3.2 National Planning Framework 4*). This means that when councils create their own Local Development Plans, they are legally required to include policies that align with NPF4's national objectives for climate change adaptation. This statutory requirement ensures that building resilience is a core legal duty of the planning function (see Text Box 8).

*Text Box 8: How Local Development Plans Fit into the Statutory Development Plan in Scotland*

#### How Local Development Plans Fit into the Statutory Development Plan in Scotland

In Scotland, the 'Statutory Development Plan' is the complete set of documents that has legal authority over planning decisions in a council area. This plan is not a single document; it is legally composed of two distinct parts that work together:

- **The National Component:** Scotland's National Planning Framework 4 (NPF4), which sets out long-term national policies.
- **The Local Component:** The Local Development Plan (LDP), which is created by the local council to set out detailed policies and land use proposals for its specific area.

Therefore, the Local Development Plan does not stand alone. It provides the detailed, local expression of the wider Statutory Development Plan. When making a planning decision, a council is legally required to follow the policies in both the national NPF4 and its own local LDP, as together they form the complete plan.

### 3.1.3 Flood Risk Management (Scotland) Act 2009

Another key piece of Scottish legislation is the Flood Risk Management (Scotland) Act 2009<sup>120</sup>, which sets out extensive mandatory duties for flood resilience. Under this Act,

<sup>117</sup> [Public bodies adaptation planning | ClimateXChange](#)

<sup>118</sup> [Town and Country Planning \(Scotland\) Act 1997](#)

<sup>119</sup> [Planning \(Scotland\) Act 2019](#)

<sup>120</sup> [Flood Risk Management \(Scotland\) Act 2009](#)

each local authority must work proactively to reduce flood risk in its area. Key duties include:

- **Flood risk assessment and mapping:** Councils must prepare maps of relevant water bodies and sustainable drainage systems (SuDS) in their area<sup>121</sup>.
- **Flood risk planning:** Local authorities are the responsible authorities for developing Local Flood Risk Management Plans in coordination with others. They must collaborate with the Scottish Environment Protection Agency (SEPA) and neighbouring councils to produce these plans on a catchment-area basis and update them on each planning cycle. Councils also assist SEPA with the national flood risk assessment, flood hazard maps, and strategic plans<sup>122</sup>. In producing these assessments and maps, SEPA requires the integration of climate change projections and provides specific climate change allowances for Scotland (including for peak river flow, rainfall intensity, and sea level rise) that must be applied in flood risk assessments.
- **Sustainable flood management duties:** In exercising all flood-related functions, councils must act to reduce overall flood risk in a “*sustainable way*”<sup>123</sup> and raise public awareness of flood risks. They must promote integrated, partnership approaches (working with SEPA, Scottish Water, etc.) and to contribute to sustainable development while managing floods.

This set of duties gives Scottish local authorities a more direct and wide-ranging role in the delivery of flood risk management compared to the framework in England, where responsibilities are more distinctly separated between the Environment Agency (for main rivers and coasts) and Lead Local Flood Authorities (for local flood sources).

The implementation of these duties is now guided by the “Living with Flooding: a National Flood Resilience Strategy for Scotland”<sup>124</sup>. This strategy sets the long-term vision for how Scotland will adapt to and become more resilient to the increasing risk of flooding from due to climate change, guiding the work of councils and their partners.

### 3.1.4 Nature Conservation (Scotland) Act 2004

In addition to flooding, the Nature Conservation (Scotland) Act 2004<sup>125</sup> places a biodiversity duty on local authorities that aligns with climate adaptation goals. Healthy, biodiverse ecosystems provide essential services that can build resilience to climate change. For instance, peatlands and woodlands can help manage flood risk by absorbing heavy rainfall, while green spaces in towns and cities provide vital cooling during heatwaves and reduce flood risk in downpours.

Section 1 of the Nature Conservation Act 2004 requires every public body “*to further the conservation of biodiversity*” in carrying out its functions, so far as consistent with the

<sup>121</sup> [Flood Risk Management \(Scotland\) Act 2009 Section 17](#)

<sup>122</sup> [Flood Risk Management \(Scotland\) Act 2009 Section 34](#)

<sup>123</sup> [Flood Risk Management \(Scotland\) Act 2009 Section 1](#)

<sup>124</sup> [National Flood Resilience Strategy](#)

<sup>125</sup> [Nature Conservation \(Scotland\) Act 2004](#)

proper exercise of those functions<sup>126</sup>. This statutory duty compels councils to protect and enhance natural ecosystems and species, an important aspect of building resilience to climate change. The duty was strengthened by the Wildlife and Natural Environment (Scotland) Act 2011<sup>127</sup>, which requires councils to publish a report every three years on how they have met their biodiversity duty. In practice, this drives local authorities to integrate biodiversity adaptation (such as habitat restoration and green infrastructure) into their policies and projects as a legal responsibility.

### 3.1.5 Contingency Planning (Scotland) Regulations 2005

Under the Civil Contingencies Act 2004 (see *Section 2.1.6 Civil Contingencies Act 2004*) and the associated Contingency Planning (Scotland) Regulations 2005<sup>128</sup>, councils are Category 1 responders with mandatory duties to prepare for emergencies, including climate-related emergencies. They must assess the risks of emergencies (such as severe weather, flooding, and storms) in their area and publish these assessments in a Community Risk Register. They are required to maintain up-to-date emergency plans to respond effectively to incidents, to warn and inform the public about emergency risks, and to coordinate with other responders (police, fire, NHS, etc.) on multi-agency response.

### 3.1.6 Roads (Scotland) Act 1984

Sectoral laws like the Roads (Scotland) Act 1984<sup>129</sup> contain duties that are important for flood adaptation. Section 1 of the Act places a general duty on a council to manage and maintain public roads. However, this duty applies only to the local road network. The major strategic routes (known as trunk roads) are managed separately by Transport Scotland, through four private operating companies.

In addition to this general duty, Section 31 of the Act creates a specific legal duty for drainage. It requires a council to take reasonable steps to prevent surface water from flowing off a road onto the surrounding land. This provides councils with an explicit responsibility to manage road drainage to prevent flooding. This duty becomes increasingly critical as rainfall intensifies due to climate change.

### 3.1.7 Procurement Reform (Scotland) Act 2014

Section 9 of The Procurement Reform (Scotland) Act 2014<sup>130</sup> places a "Sustainable Procurement Duty" on councils. This duty requires them to consider how they can improve the environmental well-being of their area through their purchasing decisions. It provides a strong legal basis to embed climate adaptation criteria into procurement, for example, by specifying flood-resilient building materials, requiring the use of sustainable

<sup>126</sup> [Nature Conservation \(Scotland\) Act 2004 Section 1](#)

<sup>127</sup> [Wildlife and Natural Environment \(Scotland\) Act 2011 Section 36](#)

<sup>128</sup> [The Civil Contingencies Act 2004 \(Contingency Planning\) \(Scotland\) Regulations 2005](#)

<sup>129</sup> [Roads \(Scotland\) Act 1984](#)

<sup>130</sup> [Procurement Reform \(Scotland\) Act 2014](#)

drainage systems in new works, or favouring suppliers who demonstrate climate resilience in their own operations.

## 3.2 Discretionary Powers and Enabling Legislation

Beyond their mandatory duties, Scottish local authorities have broad powers to take proactive adaptation action at their discretion.

### 3.2.1 The Power to Advance Well-being

The principal source of general power is the Local Government in Scotland Act 2003, which provides a “*power to advance well-being*”<sup>131</sup>. This is Scotland's equivalent to the General Power of Competence found in other UK nations, but it is legally distinct (see *Text Box 9*).

Section 20 of that Act gives a council authority to “*do anything which it considers is likely to promote or improve the well-being*”<sup>131</sup> of its area and persons in it. As with England, this sweeping power empowers councils in Scotland to initiate projects and spend resources on measures that improve economic, social, or environmental well-being. Climate change adaptation falls within this remit. A council can, for example, use this power to create new cooling green spaces in a city, run public education campaigns on heatwave preparedness, or invest in resilient infrastructure, (such as Glasgow’s programme of transforming vacant land into multi-functional green spaces to help manage flood risk<sup>132</sup>) even if no specific statute demands it, so long as it promotes community well-being. The 2003 Act thus provides legal backing for councils to go beyond minimum duties and implement innovative adaptation solutions tailored to local needs.

*Text Box 9: Key Distinction: "Power to Advance Well-being" vs. GPC*

#### Key Distinction: "Power to Advance Well-being" vs. GPC

It is important to distinguish the Scottish power from the General Power of Competence (GPC) that applies in the other UK nations.

- **Scotland:** The "power to advance well-being" comes from the Local Government in Scotland Act 2003. Its use is tied to the specific purpose of promoting or improving the economic, social, or environmental well-being of the area.
- **England, Wales, and NI:** The General Power of Competence (GPC) stems from separate legislation in each nation (e.g., the Localism Act 2011 in England). The GPC is defined more broadly as giving a council the "power to do anything that individuals generally may do."

While the practical effect is often similar (enabling discretionary action on climate adaptation) the legal basis and definition are different.

<sup>131</sup> [Local Government in Scotland Act 2003 Part C](#)

<sup>132</sup> [The Glasgow Green Deal - Glasgow City Council](#)

### 3.2.2 Planning Powers

To meet the legal duties established by planning law, councils use two key discretionary powers. These powers allow them to implement the national climate adaptation policies from the National Planning Framework 4 (NPF4)<sup>133</sup> at a local level.

First, councils have plan-making powers. They have the discretion to write Local Development Plans (LDPs) with strong, specific policies for their area. For example, a council can use its LDP to introduce policies that restrict development on floodplains beyond national minimum requirements or mandate the use of green roofs on new buildings.

Under the Planning (Scotland) Act 2019, councils also engage with Local Place Plans. These are community-led plans that set out proposals for the development and use of land in a specific neighbourhood. While communities write them, the Council is required to register them and must take them into account when preparing the main Local Development Plan.

To support this, communities and councils can use the Place Standard with a Climate Lens. This practical tool helps people assess their local area's resilience and identify what changes are needed to cope with future climate impacts.

Second, councils use their development management powers when deciding on planning applications. This power allows them to approve, refuse, or grant permission with conditions. Through this process, they can require new developments to include specific climate adaptation features. This could include requiring sustainable drainage systems (SuDS) to manage heavy rainfall, setting minimum building floor levels above predicted flood heights, or ensuring new designs preserve open space for urban cooling.

### 3.2.3 Flood Prevention

The Flood Risk Management (Scotland) Act 2009 (described above) provides not just duties but also broad enabling powers. Section 56 of the Act gives local authorities a general power to do anything they consider appropriate to manage flood risk in their area<sup>134</sup>. Under this general power, and through the formal mechanism of "flood protection schemes" (detailed from Section 60 onwards), councils can design and construct flood defence works (such as embankments, overflow basins, or improved drainage systems) and have streamlined procedures to authorise these schemes. They can also enter land, with notice, to carry out necessary flood prevention works. These powers complement the duties. Where a duty exists to reduce flood risk, the Act provides the authority to take all reasonable actions towards that goal, including working jointly with other bodies.

<sup>133</sup> [Part 2 – National Planning Policy - National Planning Framework 4](#)

<sup>134</sup> [Flood Risk Management \(Scotland\) Act 2009 Section 56](#)

### 3.2.4 Coastal Protection

Maritime local authorities in Scotland have discretionary powers to protect their coastlines under the Coast Protection Act 1949 (which applies to Scotland, England and Wales, see Section 2.2.4 *Coastal Protection*). This Act enables councils, in their role as coast protection authorities, to design and implement schemes to defend land against erosion and encroachment by the sea. These long-standing powers are increasingly critical for climate adaptation, providing the legal mechanism to respond to accelerated erosion and flooding driven by sea-level rise and more frequent storms.

Importantly, these are permissive powers. Councils can carry out works, but are not legally obligated to protect every section of their coastline.

### 3.2.5 Community Empowerment

Modern local government legislation also encourages councils to collaborate and plan for long-term outcomes, including climate adaptation. The Community Empowerment (Scotland) Act 2015<sup>135</sup> strengthens community planning by requiring councils and other public bodies to come together and produce Local Outcomes Improvement Plans (LOIPs) for their area. These plans must address priorities for improving local outcomes and reducing inequalities, which often include environmental resilience and climate impacts. While the Act itself does not explicitly mention 'climate adaptation,' it provides the statutory framework for Local Outcomes Improvement Plans (LOIPs). In practice, this framework is now increasingly used to deliver on the climate duties set out in the Scottish National Adaptation Plan (SNAP3) and National Planning Framework 4 (NPF4), ensuring that environmental resilience is embedded into efforts to improve community safety, health, and economic prosperity. For instance, a council can work with its Community Planning Partnership to embed climate resilience as a core objective within its LOIP, as demonstrated by the Aberdeenshire example below (*Text Box 10*).

*Text Box 10: Using Community Planning for Adaptation in Aberdeenshire*

#### **Using Community Planning for Adaptation in Aberdeenshire**

The Aberdeenshire Community Planning Partnership's Local Outcomes Improvement Plan (LOIP) 2017-2027<sup>136</sup> is an example of how the Community Empowerment (Scotland) Act 2015 is used to drive climate adaptation.

The LOIP is a strategic plan developed not just by the council, but by the entire partnership, which includes NHS Grampian, Police Scotland, and other public bodies. The plan sets out several key strategic priorities for the region, one of which is to create a "Resilient and Sustainable Environment."

Within this priority, the LOIP explicitly states its long-term goals are to ensure that "communities are resilient and prepared for the impacts of climate change" and that

<sup>135</sup> [Community Empowerment \(Scotland\) Act 2015 Section 6](#)

<sup>136</sup> [Community Planning Priorities – Aberdeenshire Community Planning Partnership](#)



"flood risk is reduced and managed sustainably." This demonstrates how the flexible, outcome-focused nature of the LOIP allows a partnership to formally adopt climate adaptation as a core objective.

This high-level commitment provides the mandate for partners to work together on practical adaptation actions, such as developing integrated catchment management plans, supporting community resilience groups, and ensuring new infrastructure is designed with future climate risks in mind. In this way, the community planning process acts as a key delivery mechanism for the general climate adaptation duty that all Scottish public bodies hold under the Climate Change (Scotland) Act 2009. It translates this high-level statutory duty into a coordinated, place-based strategy, embedding adaptation into mainstream public service delivery.

### 3.2.6 Public Health

The Public Health etc. (Scotland) Act 2008<sup>137</sup> provides a framework for responding to public health risks, which is relevant for heatwaves or disease vectors. Under this Act, the primary duty to protect public health rests with NHS Health Boards (Section 13). However, local authorities are essential partners in fulfilling this duty and have their own responsibilities to protect the welfare of their communities. In practice, councils work with Health Boards through Community Planning Partnerships to plan for health risks. This includes activities such as identifying people vulnerable to heatwaves, setting up cool spaces, or raising public awareness, which are crucial for climate adaptation.

### 3.2.7 Other Powers

Similar to the detailed framework of enabling legislation in England, local authorities in Scotland can also draw on a wide range of subject-specific powers from various statutes to carry out adaptation works. Key examples include:

- **Local Government (Scotland) Act 1973**<sup>131</sup>. This provides core powers to acquire and manage land. These can be used for adaptation projects like creating parks for urban cooling or enabling the relocation of assets away from at-risk areas. Councils have the power to do anything incidental to their functions, which includes carrying out works on land and property they own. This power, combined with the power to advance well-being, allows them to implement adaptation measures on their own assets like parks, offices, and depots.
- **Housing Legislation**. Acts such as the Housing (Scotland) Act 2006<sup>138</sup> give councils powers to improve housing. This can support adaptation by funding measures like improved insulation (for both heat and cold) or better ventilation in homes.
- **Transport Legislation**. As local authorities, councils are empowered to manage local transport infrastructure. This allows them to climate-proof assets, for

<sup>137</sup> [Public Health etc. \(Scotland\) Act 2008](#)

<sup>138</sup> [Housing \(Scotland\) Act 2006 Section 71](#)

example by improving road drainage to handle intense rainfall or strengthening bridges<sup>129</sup>.

- **Water Environment and Water Services (Scotland) Act 2003**<sup>139</sup>. This act provides the framework for councils to partner with agencies like the Scottish Environment Protection Agency (SEPA) to implement measures from River Basin Management Plans, such as natural flood management schemes or wetland restoration.

### 3.3 Statutory Guidance and National Policies

#### 3.3.1 Scottish Climate Change Adaptation Programme

Building on the overarching duties, Scotland's national climate policy and guidance provide strong direction for local authorities' adaptation initiatives. Primary among these is the Scottish Climate Change Adaptation Programme<sup>140</sup>, a strategic framework produced by the Scottish Government to fulfil its obligations under the Climate Change (Scotland) Act 2009<sup>113</sup>. The adaptation programme is updated on a five-year cycle following the UK Climate Change Risk Assessment. The Scottish National Adaptation Plan 2024-2029 (SNAP3)<sup>141</sup> is Scotland's third plan, responding to the latest risk assessment.

While the programme itself is a policy document rather than law, it is grounded in Section 53 of the Climate Change (Scotland) Act 2009<sup>142</sup> which requires Scottish Ministers to produce it, and public bodies' climate duties require them to help deliver the programme. In practice, this means councils are expected to align their local adaptation strategies with the national programme's priorities. For instance, if the national plan highlights increasing flood resilience and nature-based solutions, a council's own climate adaptation plan or community planning should reflect those themes. The Scottish Government also issues statutory guidance or policy guidance alongside the programme. An important example is the "Public Bodies Climate Change Duties: Putting Them into Practice"<sup>143</sup> guidance, which advises councils on how to incorporate the national adaptation outcomes into their corporate plans, risk assessments, and budgets.

#### 3.3.2 National Planning Framework 4

The key policy document guiding local authorities is the National Planning Framework 4 (NPF4)<sup>133</sup>. While previous guidance, like the Scottish Planning Policy (2014)<sup>144</sup> addressed climate change, the NPF4 is now the central, legally binding policy framework. The NPF4 contains explicit policies that define how the planning system must contribute to climate

<sup>139</sup> [Water Environment and Water Services \(Scotland\) Act 2003](#)

<sup>140</sup> [Climate Ready Scotland: climate change adaptation programme 2019-2024](#)

<sup>141</sup> [Scottish National Adaptation Plan 2024-2029](#)

<sup>142</sup> [Climate Change \(Scotland\) Act 2009 Section 53](#)

<sup>143</sup> [Public Bodies Climate Change Duties: Putting Them Into Practice](#)

<sup>144</sup> [Scottish Planning Policy \(SPP\) - Scottish planning policy](#)



adaptation. The overarching goal of these policies is to make Scotland's places “*more resilient to climate change impacts*”<sup>133</sup>. To achieve this, it sets out requirements for both plan-making and decision-taking. For plan-making, NPF4 directs that Local Development Plans (LDPs) must:

*“support adaptation to current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt”*<sup>133</sup>.

For deciding on individual planning applications, the rules are set out in NPF4 Policy 2 on Climate Mitigation and Adaptation<sup>145</sup>. This policy requires that new developments must be designed to be adaptable to the current and future impacts of climate change. In practice, this means councils must ensure proposals include features like adequate drainage for intense rainfall and materials suited to higher temperatures. The policy also provides support for councils to approve the retrofitting of existing buildings to improve their resilience.

*Text Box 11: How NPF4 Enforces Local Authority Adaptation Duties*

### **How NPF4 Enforces Local Authority Adaptation Duties**

Scotland's National Planning Framework 4 (NPF4) is a notable example of how national policy directly enforces the statutory duties of local authorities to deliver climate adaptation.

Its power stems from the Planning (Scotland) Act 2019. This Act amended the primary planning legislation (the Town and Country Planning (Scotland) Act 1997) to give NPF4 legal status. It is now a mandatory component of the statutory 'development plan'. This plan, which also includes the area's Local Development Plan, is the basis for all planning decisions. This change elevates NPF4's climate policies from mere guidance to a mandatory framework for decision-making.

Consequently, when a local authority exercises its planning functions, it is legally bound to apply NPF4's policies. For example, NPF4 Policy 2 on Climate Mitigation and Adaptation explicitly states that development proposals will be supported only where they are designed to be resilient to the “*current and future impacts of climate change.*” This provides the direct statutory backing for councils to require, condition, or refuse developments based on their adaptation credentials.

In this way, NPF4 translates the general duty to help deliver the national adaptation programme (under the Climate Change (Scotland) Act 2009) into concrete, enforceable planning actions. It provides the specific policy content (the 'how') that councils must use when exercising their planning functions under the primary planning acts (the 'what').

<sup>145</sup> [NPF4 planning guidance: policy 2 - climate mitigation and adaptation](#)

### 3.3.3 Coastal Protection Guidance

The Scottish Government's Dynamic Coast: National Coastal Change Assessment<sup>146</sup> maps coastal areas vulnerable to future erosion and provides data that informs local decision-making. This is reinforced by planning policy within National Planning Framework 4 (NPF4), which directs new development away from areas at current or future risk from coastal erosion.

To help councils translate this evidence into practical strategy, the Scottish Government and the Adaptation Scotland programme have developed the Coastal Change Adaptation Plan (CCAP) Guidance<sup>147</sup>. This guidance provides a framework for local authorities to create long-term, adaptive strategies for their coastlines. It encourages a risk-based approach, helping councils to work with communities and stakeholders to consider a range of options (from 'no active intervention' to managed realignment or the construction of new defences). The Scottish Government has supported this work through dedicated funding, such as the Coastal Change Adaptation Fund, which helps councils finance the development of these plans and pilot innovative resilience projects.

### 3.3.4 Scottish Biodiversity Strategy

The Scottish Biodiversity Strategy (including the 2020 Challenge for Scotland's Biodiversity<sup>148</sup> and the Biodiversity Strategy to 2045: Tackling the Nature Emergency<sup>149</sup>) provides a national roadmap for protecting and restoring ecosystems. It explicitly recognises climate change as a major pressure on habitats and promotes nature-based solutions for adaptation. Local authorities, under their biodiversity duty, are guided by this strategy to implement actions like creating coastal salt marshes to absorb storm surges, expanding urban tree cover to reduce heat, and connecting wildlife corridors to allow species to migrate as climate changes.

The Scottish Government (and NatureScot, the national nature agency) issues statutory guidance on the biodiversity duty (under Section 2 of the Nature Conservation (Scotland) Act 2004<sup>150</sup>), which advises public bodies to integrate climate adaptation into biodiversity work. For example, NatureScot's "Biodiversity Duty Guidance"<sup>151</sup> highlights that fulfilling the duty is not only about protecting current species, but ensuring ecosystems can adapt to climate impacts, thereby securing the benefits they provide to people. To achieve this, the guidance recommends a range of actions. Councils are encouraged to embed biodiversity across all their functions, from managing their own land and buildings to updating planning policies. Key actions focus on using nature-based solutions to build resilience, such as creating wetlands for natural flood management, restoring habitats

<sup>146</sup> [National Coastal Change Assessment \(NCCA\) 2017](#)

<sup>147</sup> [Coastal Change Adaptation Plan Guidance](#)

<sup>148</sup> [2020 Challenge for Scotland's Biodiversity](#)

<sup>149</sup> [Biodiversity strategy to 2045: tackling the nature emergency](#)

<sup>150</sup> [Nature Conservation \(Scotland\) Act 2004 Section 2A](#)

<sup>151</sup> [Guidance Note - Biodiversity Duty Explained | NatureScot](#)

like peatlands, and developing green infrastructure to help both wildlife and communities adapt to a changing climate. This guidance, while advisory, effectively sets expectations for councils to pursue adaptation through conservation.

### 3.3.5 Other Scottish National Policies and Frameworks

Other national policies and frameworks also shape local adaptation. Agencies like SEPA publish guidance for local authorities, for example, on implementing natural flood management<sup>152</sup> under the 2009 FRM Act<sup>120</sup> or managing surface water flooding in urban areas. Scotland's Land Use Strategy<sup>153</sup>, mandated by the Climate Change Act, provides a strategic vision for sustainable land and water management in the face of climate change and can be used by councils when considering land-use decisions that have adaptation benefits (like restoring peatlands or woodlands for carbon sequestration and flood control).

Likewise, the National Flood Risk Assessment and Flood Risk Management Strategies led by SEPA (as required by the 2009 FRM Act<sup>120</sup>) are key policy instruments. SEPA's Flood Risk Management Strategies<sup>154</sup> set objectives and priorities for each flood-risk region, and councils must have regard to these strategies when making decisions.

Finally, in 2021, the Scottish Government declared a "climate emergency" and called for stepped-up action across the public sector. It produced the Public Sector Leadership on the Global Climate Emergency Guidance<sup>155</sup>, which reinforces that council leaders should treat climate adaptation as a core priority. This guidance urges local authorities to demonstrate leadership by going beyond minimum legal requirements

## 3.4 Programmes Supporting Local Authority Adaptation

Scottish local authorities are assisted by numerous programmes, funding streams, and partnerships at the national and regional level, specifically designed to support and enhance local adaptation action.

### 3.4.1 Adaptation Scotland Programme

One of the flagship support mechanisms is the Adaptation Scotland Programme<sup>156</sup>, an initiative funded by the Scottish Government to build capacity for climate adaptation across all sectors. Adaptation Scotland (delivered by sustainability charity Verture<sup>157</sup>) provides practical tools, guidance, training and advice to councils and other organisations. For example, it offers risk assessment toolkits, the Adaptation Capability Framework (a self-assessment tool to help organisations benchmark their progress in adaptation across areas such as leadership, research, and implementation), local climate projections, and forums for sharing best practices. The programme effectively

<sup>152</sup> [SEPA-natural-flood-management-handbook.pdf](#)

<sup>153</sup> [Land use - getting the best from our land: strategy 2021 to 2026](#)

<sup>154</sup> [SEPA Flood Risk Management Strategies](#)

<sup>155</sup> [Public sector leadership on the global climate emergency: guidance](#)

<sup>156</sup> [Home - Adaptation Scotland](#)

<sup>157</sup> [Home - Verture](#)

serves as the government's vehicle for advising and supporting the public sector on adaptation. Through Adaptation Scotland, councils can access expert assistance in developing their climate adaptation strategies, conducting vulnerability assessments, and engaging communities in resilience. The programme also facilitates networking: it hosts the Public Sector Climate Adaptation Network (PSCAN)<sup>158</sup>, which brings together over 60 public bodies (including all 32 councils) for monthly discussions and peer learning on topics like adapting buildings, flood management, and monitoring progress.

### 3.4.2 Funding Support

Financial support is also available through targeted funds. The Scottish Government has created dedicated funding streams to help local authorities implement adaptation projects on the ground. For instance, in response to accelerating coastal erosion and flood threats, the government launched a Coastal Change Adaptation Fund<sup>159</sup> in recent years: £11.7 million has been committed to assist coastal councils in developing and carrying out Coastal Change Adaptation Plans. The fund also supports pilot projects and case studies to explore innovative approaches, enabling local authorities to undertake preparatory work without diverting funds from other services. Another source of funding is the support for Flood Protection Schemes. Through capital grant allocations, the Scottish Government co-finance large flood defence constructions led by councils. Additionally, funding programmes like the Nature Restoration Fund<sup>160</sup> also assist councils in restoring habitats (peatlands, wetlands, forests) that have climate adaptation value (flood mitigation, coastal buffer, etc.).

In addition to funds from the Scottish Government, councils can also access UK-wide funding streams. The UK Shared Prosperity Fund (UKSPF), a UK Government initiative to replace EU structural funds, is a key example. Scotland was allocated approximately £212 million for the fund's initial phase (2022-2025), which has since been extended (also see *Section 2.4.1 Government Funding Support*).

### 3.4.3 Regional Partnerships

Collaboration through regional partnerships has emerged as a powerful model for supporting local authorities. One pioneering example is Climate Ready Clyde<sup>161</sup>, a cross-sector partnership in the Glasgow City Region. Climate Ready Clyde brought together the region's eight councils along with public agencies, universities, and private sector players to create a coordinated Regional Adaptation Strategy. Highland Adapts is a similar partnership involving the Highland Council, community groups, academia, and businesses to address the unique challenges of a large rural region. The Scottish SNAP3 explicitly sets an outcome that all regions in Scotland should have adaptation partnerships by 2029<sup>141</sup>, highlighting the commitment to this collaborative approach. For local authorities, participating in a regional partnership could support access to pooled

<sup>158</sup> [Public Sector Climate Adaptation Network - Adaptation Scotland](#)

<sup>159</sup> [Dynamic Coast - Coastal Change Adaptation](#)

<sup>160</sup> [Scottish Government Nature Restoration Fund \(NRF\) | NatureScot](#)

<sup>161</sup> [Climate Ready Clyde | Building a more resilient, prosperous and fairer Glasgow City Region](#)

expertise, shared data and resources, and the ability to tackle cross-boundary issues (like river catchments or regional transport links).

### 3.4.4 National Networks

Several national initiatives and networks further support councils. The Sustainable Scotland Network (SSN)<sup>162</sup>, a government-funded network, helps local authorities with climate action monitoring and peer exchange, including adaptation reporting through an online platform. There are also thematic programmes like Scotland's Flood Forum<sup>163</sup>, a charitable organisation funded by the government to help local authorities engage with communities affected by flooding (setting up flood action groups, providing resilience products, etc.). For community-scale adaptation, the government has established Climate Action Hubs<sup>164</sup> in regions to support community groups; councils often collaborate with these hubs to channel support to grassroots resilience projects (e.g. community emergency plans or establishing local "resilience hubs" for use during severe weather events).

Over and above these Scotland specific programmes, there are also a number of UK wide support programmes and tools outlined in Section 2.4 Programmes and Support for Local Authority Adaptation.

## 3.5 Summary of Duties and Powers

A summary of the duties and powers of Local Government in Scotland to adapt to climate change is provided in Table 2.

*Table 2: Summary of climate adaptation duties and powers of LAs in Scotland*

Type	Enabler	Scope	Description
Duty	Climate Change (Scotland) Act 2009	Scotland	Public bodies, including councils, must act in the way best calculated to help deliver Scotland's statutory climate change adaptation programme. Councils must report annually on how they are meeting these duties, including their contributions to the programme.
Duty	Town and Country Planning (Scotland) Act 1997 (as amended) &	Scotland	Councils have a duty to prepare development plans that address climate change. They have a legal duty to follow the policies in the National Planning Framework 4 (NPF4). This requires them to include policies that guide

<sup>162</sup> [Sustainable Scotland Network - The Sustainable Scotland Network](#)

<sup>163</sup> [The Scottish Flood Forum - Supporting Flood Risk Communities](#)

<sup>164</sup> [Community-led climate action - Climate change](#)

Type	Enabler	Scope	Description
	Planning (Scotland) Act 2019		development away from vulnerable areas and enable places to adapt.
Duty	Flood Risk Management (Scotland) Act 2009	Scotland	Local authorities must work proactively to reduce flood risk. This includes preparing maps of water bodies and sustainable drainage systems (SuDS), developing Local Flood Risk Management Plans with partners, assisting with national flood risk assessment, acting to reduce overall flood risk sustainably, and raising public awareness.
Duty	Nature Conservation (Scotland) Act 2004	Scotland	Every public body must further the conservation of biodiversity in carrying out its functions. The Wildlife and Natural Environment (Scotland) Act 2011 strengthened this by requiring councils to report every three years on how they have met this duty.
Duty	Civil Contingencies Act 2004 & Contingency Planning (Scotland) Regulations 2005	UK-wide  Scotland	Councils are Category 1 responders with mandatory duties to prepare for emergencies, including climate-related ones. They must assess risks, publish them in a Community Risk Register, maintain emergency plans, warn and inform the public, and coordinate with other responders.
Duty	Roads (Scotland) Act 1984	Scotland	Councils have a general duty to manage and maintain public roads. This includes a specific legal duty to take reasonable steps to prevent surface water from flowing off a road onto surrounding land.
Duty	Procurement Reform (Scotland) Act 2014	Scotland	This places a "Sustainable Procurement Duty" on councils. It requires them to consider how they can improve the environmental well-being of their area through their purchasing decisions.

Type	Enabler	Scope	Description
Power	Planning Legislation (Scotland)	Scotland	Councils use plan-making powers to write Local Development Plans with policies for climate resilience. They use development management powers to impose conditions on planning applications, such as requiring sustainable drainage systems (SuDS) or setting minimum floor levels to avoid flooding.
Power	Flood Risk Management (Scotland) Act 2009	Scotland	The Act gives local authorities a general power to do anything they consider appropriate to manage flood risk. This includes designing and building flood defence works through "flood protection schemes".
Power	Water Environment and Water Services (Scotland) Act 2003	Scotland	Provides a framework for councils to partner with agencies like the Scottish Environment Protection Agency (SEPA). They can implement measures like natural flood management schemes or wetland restoration from River Basin Management Plans.
Power	Coast Protection Act 1949	Great Britain	Maritime councils as designated as Coast Protection Authorities have powers to carry out coastal protection works to prevent erosion by the sea, relevant for sea-level rise and coastal erosion adaptation.
Power	Community Empowerment (Scotland) Act 2015	Scotland	Requires councils and other public bodies to produce Local Outcomes Improvement Plans (LOIPs). These plans can include goals for environmental resilience and adapting to climate impacts.
Power	Local Government in Scotland Act 2003	Scotland	This provides a "power to advance well-being". It allows a council to do anything it considers likely to promote or improve the economic, social, or environmental



Type	Enabler	Scope	Description
			well-being of its area, which can be used for climate adaptation projects.
Power	Local Government (Scotland) Act 1973	Scotland	Provides councils with core powers to acquire and manage land. These can be used for adaptation projects like creating parks for urban cooling or moving assets away from at-risk areas.
Power	Public Health Etc. (Scotland) Act 2008	Scotland	Provides a framework for councils to work in partnership with NHS Health Boards to respond to health risks relevant to heatwaves, flooding, or disease vectors.
Power	Housing (Scotland) Acts	Scotland	Councils have powers to improve housing. This can support adaptation by funding measures such as improved insulation or better ventilation in homes.
Power	Transport Legislation (Scotland)	Scotland	Councils are empowered to manage local transport infrastructure. This allows them to make assets more resilient to climate change, for example by improving road drainage or strengthening bridges.

The approach to climate change adaptation for local authorities in Scotland is built on a foundation of specific legal duties that are set out in several key Acts of Parliament, rather than relying on general guidance alone. A central pillar is the Climate Change (Scotland) Act 2009, which imposes a direct statutory duty on councils to act in the way best calculated to help deliver Scotland's national climate change adaptation programme, a commitment reinforced by mandatory annual reporting. This is complemented by extensive flood risk management obligations under the Flood Risk Management (Scotland) Act 2009, a biodiversity duty through the Nature Conservation (Scotland) Act 2004, and emergency preparedness responsibilities under the Civil Contingencies Act 2004 and associated Scottish regulations.

Beyond these specific duties, the "power to advance well-being" granted by the Local Government in Scotland Act 2003 provides a broad enabling power for councils to undertake discretionary adaptation initiatives. National policy, most notably the statutory National Planning Framework 4 (NPF4) and the Scottish Climate Change Adaptation Programme (SNAP), provides strategic direction for ensuring local planning and actions align with national priorities for a climate-resilient Scotland. Support mechanisms such as the Adaptation Scotland Programme and pioneering regional

partnerships further bolster local capacity. A more detailed assessment of the challenges and success factors that enable adaptation at the local authority level is provided in an aligned report.

## 4 Powers and Duties of Welsh Local Authorities for Climate Change Adaptation

This chapter outlines the legislative and policy system for climate adaptation action in Wales, examining the statutory duties that mandate a long-term, resilient approach, the broad discretionary powers that allow for innovation, and the national policies that translate these principles into practice. A full overview of these duties and powers can be found for reference in *Table 3* at the chapter's conclusion.

### 4.1 Legislation and Statutory Duties

Local Authorities in Wales have statutory duties that encompass climate change adaptation, though these duties are framed within broader legislative obligations rather than being labelled explicitly as "adaptation duties."

#### 4.1.1 Climate Change Act 2008 (UK) – Wales Adaptation Reporting

Unlike Scotland, which passed its own comprehensive climate change act (See *Section 3.1.1 Climate Change (Scotland) Act 2009*), Wales has integrated its climate duties into other foundational legislation. As a result, Wales continues to operate within the high-level reporting framework of the UK Climate Change Act 2008.

As noted above, the Climate Change Act 2008 provides an overarching framework for climate response across the UK (See *Section 2.1.1 Climate Change Act 2008*). However, it imposes certain duties in the Welsh context. Section 56 of the Act<sup>165</sup> mandates a UK-wide Climate Change Risk Assessment every five years, which must be shared with the devolved nations. Section 80 of the Act<sup>166</sup> also requires Welsh Ministers to produce periodic reports on the Welsh Government's objectives, actions and future priorities regarding the emissions and the impacts of climate change. In practice, this is fulfilled by Wales's statutory climate adaptation plan (See *Section 4.3.1 Wales Climate Change Adaptation Strategy*). While this duty is on Ministers, local authorities are key implementing bodies for many actions in the national adaptation plan, and they are expected to take account of Welsh Government adaptation reports when exercising their functions. As public bodies, Welsh councils can be directed or invited to prepare Adaptation Progress Reports under the Climate Change Act's reporting power (see Text Box 12), although to date, there has been limited reporting in Wales<sup>167</sup>.

*Text Box 12: Adaptation Reporting in Wales*

#### **Adaptation Reporting in Wales**

A key distinction in Wales is that the legal duty for local authorities to report on climate adaptation is not automatic; it is activated only upon receiving a formal direction from Welsh Ministers. The Climate Change Act 2008 grants Ministers an 'Adaptation

<sup>165</sup> [Climate Change Act 2008 Section 56](#)

<sup>166</sup> [Climate Change Act 2008 Section 80](#)

<sup>167</sup> [Adapting to climate change - Progress in Wales](#)

Reporting Power' to direct councils to prepare reports. This power to direct should not be confused with a universal legal requirement for every council to produce a specific 'adaptation plan'. Instead, councils are guided by broader duties under laws like the Well-being of Future Generations (Wales) Act 2015 to integrate climate resilience into their wider corporate planning. Consequently, the formal reporting landscape is dependent on ministerial discretion, and adaptation planning proceeds under more general sustainability duties rather than a specific planning mandate.

#### 4.1.2 Well-being of Future Generations (Wales) Act 2015 (WFG Act)

The Well-being of Future Generations (Wales) Act 2015 (WFG Act)<sup>168</sup> requires all Welsh local authorities (as “public bodies”) to carry out sustainable development and pursue seven national well-being goals, one of which explicitly addresses climate resilience. Section 3 of the WFG Act imposes a *Well-being duty* on local authorities to set and meet objectives that contribute to these goals under the sustainable development principle. Notably, the “Resilient Wales” goal is defined as:

*“a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example, climate change).”<sup>169</sup>*

In practice, this means councils must take climate risks into account in their decision-making and service delivery (from corporate and strategic planning to the direct delivery of services like social care, education, housing, and infrastructure management), aiming to ensure communities can adapt to extreme weather, flooding, and other impacts as part of long-term well-being. Under Part 4 of the WFG Act, each local authority also leads a Public Services Board (PSB) for its area, which must prepare a Local Well-being Plan<sup>170</sup>. These plans identify local risks (including climate change) and set collective actions to improve economic, social, environmental, and cultural well-being. Through the WFG Act, climate adaptation is effectively mainstreamed as a core statutory consideration. For example, local well-being assessments and objectives should highlight climate risks such as flooding, heatwaves, and ecosystem resilience, aligning with the WFG Act’s emphasis on prevention and long-termism<sup>171</sup>.

#### 4.1.3 Flood and Water Management Act 2010 (FWMA)

In Wales, unitary authorities are designated as Lead Local Flood Authorities (LLFAs) under the FWMA 2010<sup>16</sup>. This UK Act (applicable in Wales) imposes a suite of legal duties on LLFAs aimed at managing and reducing local flood risks. The FWMA 2010 creates binding obligations for local authorities to plan for and respond to flood risk through risk

<sup>168</sup> [Well-being of Future Generations \(Wales\) Act 2015](#)

<sup>169</sup> [Well-being of Future Generations \(Wales\) Act 2015 Section 4](#)

<sup>170</sup> [Well-being of Future Generations \(Wales\) Act 2015 Section 39](#)

<sup>171</sup> A more detailed assessment of the challenges and success factors that enable adaptation at the local authority level is provided in an aligned report

assessments, strategic planning, incident investigations, asset maintenance, and promotion of sustainable drainage (see *Section 2.1.4 Flood and Water Management Act 2010*).

In addition, Part 7 of the Act updates flood risk management law and formally establishes a Flood and Coastal Erosion Committee for Wales<sup>172</sup>. While this part does not redefine local authorities' regulatory roles in flood risk and land drainage, it complements existing legislation such as the Flood and Water Management Act 2010 (FWMA 2010), which designates local authorities with specific responsibilities in managing local flood risks.

#### 4.1.4 Environment (Wales) Act 2016

The Environment (Wales) Act 2016<sup>173</sup> reinforces adaptation duties, especially regarding nature-based resilience and flood management. Nature-based resilience is important because healthy, functioning ecosystems can provide natural defences against climate impacts. This could be by using peatlands, wetlands and woodlands to manage flood risk, or green spaces in towns to provide cooling during heatwaves and flood risk reduction in downpours. Part 1, Section 6<sup>174</sup> of the Act introduces an enhanced biodiversity and resilience of ecosystems duty on all public authorities, including local authorities. This “*Section 6 duty*” requires councils to

*“seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions, and in so doing to promote the resilience of ecosystems.”*

To comply with the Environment (Wales) Act 2016, each local authority must publish a report detailing the actions taken to maintain and enhance biodiversity and promote ecosystem resilience. These reports often detail a wide range of actions, from strategic measures like embedding biodiversity considerations into procurement and planning decisions, to practical, on-the-ground activities. Examples of actions include modifying the management of council-owned land by creating wildflower meadows<sup>175</sup>, altering mowing regimes on road verges to benefit wildlife<sup>176</sup>, and incorporating green infrastructure into new developments.

The statutory guidance recommends that public authorities “*prepare and publish a plan*”<sup>177</sup> to effectively fulfil their duties under Section 6 of the Act. This guidance also emphasises the importance of embedding biodiversity considerations into early thinking and business planning, including policies, plans, programs, and projects, as well as day-

<sup>172</sup> [Environment \(Wales\) Act 2016 Part 7](#)

<sup>173</sup> [Environment \(Wales\) Act 2016](#)

<sup>174</sup> [Environment \(Wales\) Act 2016 Section 6](#)

<sup>175</sup> [Llantwit Major Town Council Section 6 Biodiversity Report](#)

<sup>176</sup> [Flintshire County Council Section 6 Report 2022](#)

<sup>177</sup> [Guidance for Section 6 - Environment Wales Act 2016 – The Biodiversity and Resilience of Ecosystems Duty](#)

to-day activities. It suggests that the plan should include proposed actions to maintain and enhance biodiversity and promote ecosystem resilience.

The Environment (Wales) Act 2016 also introduced the Sustainable Management of Natural Resources (SMNR) framework. As part of this, the act requires Natural Resources Wales (NRW) to publish a State of Natural Resources Report (SoNaRR) every five years<sup>178</sup>. To apply this evidence at a local level, NRW also produces "area statements". Local authorities (as Public Bodies) must take the evidence from the SoNaRR and their relevant "area statements"<sup>179</sup> into consideration when planning locally (see *Text Box 13*).

*Text Box 13: Area Statements in Wales*

### **Area Statements in Wales**

Area Statements are place-based reports, prepared by NRW in collaboration with other public bodies and local stakeholders for seven regions across Wales. Their purpose is to translate the national priorities of the Welsh Government's Natural Resources Policy into a local context. Each statement provides a local evidence base that identifies the specific environmental priorities, risks, and opportunities for that area. This includes assessing the state of natural resources, the benefits they provide, and key challenges such as reversing biodiversity decline, improving water and air quality, and, crucially for adaptation, responding to the climate emergency and tackling flood risk. Local authorities must take these Area Statements into account when preparing their Local Development Plans and the well-being assessments that inform their strategic priorities<sup>180 181</sup>.

## **4.1.5 Civil Contingencies Act 2004**

Under the Civil Contingencies Act 2004<sup>40</sup>, councils are Category 1 responders and must assess the risk of emergencies (including extreme weather events like floods, storms, and heatwaves) and maintain up-to-date emergency plans and business continuity plans (See *Section 2.1.6 Civil Contingencies Act 2004* ).

## **4.1.6 Highways Act 1980**

Wales' 22 local authorities are all Unitary councils so are also the Local Highways Authority with (the county councils themselves) have a statutory duty under the Highways Act 1980<sup>43</sup> to maintain public highways, which includes managing highway drainage to prevent flooding or water damage.

<sup>178</sup> [Environment \(Wales\) Act 2016 Section 8](#)

<sup>179</sup> [Environment \(Wales\) Act 2016 Section 11](#)

<sup>180</sup> [FAQ Environment \(wales\) Act](#)

<sup>181</sup> [Factsheet 2 Sustainable Management of Natural Resources](#)

### 4.1.7 Other Statutory Duties

Local authorities in Wales have several other legal obligations relevant to climate adaptation.

- Some councils (especially coastal ones) exercise permissive powers under the **Coast Protection Act 1949**<sup>56</sup> but also carry an implicit duty to consider coastal erosion risk (also addressed via Shoreline Management Plans (See *Section 2.2.4 Coastal Protection* and *Section 2.1.4 Flood and Water Management Act 2010*).
- Local authorities also have public health responsibilities (e.g. under the **Social Services and Well-being (Wales) Act 2014**<sup>182</sup>) that place a direct duty on councils to promote the well-being of people who need care and support, which includes protecting vulnerable people during extreme weather events.

## 4.2 Discretionary Powers and Enabling Legislation

Beyond explicit duties, Welsh councils have broad powers that enable proactive climate adaptation, which they can exercise at their discretion to address local climate risks.

### 4.2.1 General Power of Competence

The GPC was given to principal councils by the Local Government and Elections (Wales) Act 2021<sup>183</sup>. Section 24 of that Act gives qualifying local authorities have “*the power to do anything that individuals generally may do*”, in effect, a broad competence to act for the benefit of their area. This general power (effective from November 2021 for county/country borough councils) expanded councils’ latitude ability to undertake adaptation initiatives even if not specifically mandated (also see *Section 2.2.1 General Power of Competence*).

Importantly, the 2021 Act’s general power of competence superseded earlier well-being powers in Wales. Prior to 2021, Welsh local authorities relied on the well-being power in the Local Government Act 2000<sup>184</sup>, which allowed them to do anything to promote or improve the economic, social, or environmental well-being of their area. With the broader general power of competence, councils have even more freedom to act ambitiously on adaptation. For example, a council can trade or charge for services to fund resilience projects (subject to certain conditions in the 2021 Act)<sup>185</sup>.

### 4.2.2 Planning Powers

To fulfil the overarching duty set out in the Well-being of Future Generations Act, local authorities, as Local Planning Authorities, have significant discretionary authority

<sup>182</sup> [Social Services and Well-being \(Wales\) Act 2014](#)

<sup>183</sup> [Local Government and Elections \(Wales\) Act 2021 Section 24](#)

<sup>184</sup> [Local Government Act 2000](#)

<sup>185</sup> [Written Statement: The General Power of Competence \(Wales\)](#)



through the planning system to drive adaptation. While they must follow national policy, councils can go further, using powers under the Town and Country Planning Act 1990 and Planning (Wales) Act 2015<sup>186</sup> to shape climate-resilient communities. For example, a council may adopt stringent local planning policies (in its LDP or supplementary planning guidance) that exceed national standards for flood risk avoidance, green space, or sustainable drainage, using similar planning tools and conditions to those described in the English context (See *Section 2.2.2 Planning* and *Section 4.3.2 Planning Policy Wales 2024*).

### 4.2.3 Flood Prevention and Coastal Protection

Similar to their counterparts in England, local authorities in Wales are granted permissive powers for flood and coastal management under UK-wide legislation. The FWMA 2010<sup>16</sup>, for example, grants councils in Wales powers to undertake works to manage flood and coastal erosion risk (see *Section 2.1.4 Flood and Water Management Act 2010*). The Coast Protection Act 1949<sup>56</sup> empowers coastal local authorities to conduct coast protection works to prevent erosion of land by the sea. Welsh coastal councils can use this power (with Welsh Government approval and funding) to build sea walls, revetments, or nourish beaches as climate adaptation measures, even though it is discretionary. The new Flood and Coastal Erosion Committee (Wales)<sup>187</sup> can also advise and support councils in using their powers effectively.

### 4.2.4 Environmental Protection

Welsh local authorities can leverage various environmental powers to implement adaptation interventions. While the Section 6 duty under the Environment (Wales) Act 2016<sup>174</sup> on enhancing biodiversity (see *Section 4.1.4 Environment (Wales) Act 2016*) is mandatory, councils can go further. For example, they can enter into management agreements with landowners (a power given to public bodies) to restore wetlands or plant woodlands for flood attenuation<sup>188</sup> as part of Natural Flood Management schemes<sup>189</sup>. The Act's Sustainable Management of Natural Resources (SMNR) framework also encourages innovative and collaborative projects<sup>190</sup>. Councils may voluntarily partner in these, using their well-being/general powers to participate in Natural Resources Wales-led trials or to pilot nature-based solutions. The use of these powers is guided by local priorities and resources, but Welsh Government policy encourages councils to deploy them in the service of climate resilience.

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<sup>186</sup> [Planning \(Wales\) Act 2015](#)

<sup>187</sup> [Flood and Coastal Erosion Committee](#)

<sup>188</sup> [Factsheet 7 experimental schemes](#)

<sup>189</sup> [Factsheet 7 experimental schemes](#)

<sup>190</sup> [Sustainable Management of Natural Resources and the Environment \(Wales\) Act](#)

### 4.2.5 Other Powers

As with other nations in the UK, councils in Wales have powers to carry out works on land and property they own, derived from the Local Government Act 1972. This is powerfully reinforced by the Well-being of Future Generations Act 2015, as managing council assets to be resilient to climate change is a direct way of fulfilling the statutory duty to create a 'Resilient Wales'.

In addition to modern Welsh legislation, councils can also draw on foundational powers from the Countryside Act 1968. This Act allows local authorities to manage land for conservation and recreation, for example by creating country parks. While this is a general power, it provides the legal mechanism for a council to use its own land to create wetlands or woodlands. In Wales, the decision to use this power for climate adaptation would be directly guided by the council's statutory duties under the Environment (Wales) Act 2016 to promote ecosystem resilience and the Well-being of Future Generations Act 2015 to build a 'Resilient Wales'.

Finally, while the Procurement Act 2023 applies to Wales, the Welsh Government has devolved powers to set its own policy, strategy and guidance for procurement such as the Wales Procurement Policy Statement<sup>191</sup>. In deciding what to buy and how to evaluate bids, councils in Wales will be guided by Welsh Government policy and its other Welsh statutory duties. For example, a council would use the flexibility within the Procurement 2023 Act to award a contract in a way that best contributes to the goals of the Well-being of Future Generations (Wales) Act 2015.

## 4.3 Statutory Guidance and National Policies

Welsh local authorities' adaptation efforts operate within, and are guided by, an evolving national policy framework on climate change. Several strategies and guidance documents (some with statutory force) direct councils on how to fulfil their duties and exercise powers for adaptation.

### 4.3.1 Wales Climate Change Adaptation Strategy

The Welsh Government publishes periodic climate adaptation plans that set the strategic direction for the whole public sector. The current document, The Climate Adaptation Strategy for Wales 2024<sup>192</sup> builds on the foundation laid by Prosperity for All: A Climate Conscious Wales (2019–2024)<sup>193</sup> and expands the legal and policy expectations for local authorities in Wales, embedding climate resilience across their functions. While the Strategy does not introduce standalone legal obligations, it provides an interpretation of how existing statutory duties, particularly those under the WFG Act's "Resilient Wales"

<sup>191</sup> [Wales Procurement Policy Statement](#)

<sup>192</sup> [Climate Adaptation Strategy for Wales](#)

<sup>193</sup> [Prosperity for All: A Climate Conscious Wales](#)

goal, should be applied to climate adaptation. A key feature of the 2024 Strategy is that for each of its outcome areas, it sets out specific actions, or ‘asks’ for actors outside of the Welsh Government. This structure provides a clearer framework for local authorities and other public bodies, detailing their expected contributions to national adaptation goals across areas like community resilience, infrastructure, and nature.

The Strategy highlights the establishment of the Local Government Climate Strategy Panel's Adaptation Task and Finish Group, which focuses on embedding adaptation through partnership and collaboration, enhancing service resilience, bolstering community preparedness, and strengthening leadership. The Strategy also signals the Welsh Government's “intention to consider” Adaptation Reporting Powers, which would formalise reporting requirements for public bodies, including councils, on climate risk management.

### 4.3.2 Planning Policy Wales 2024

Planning Policy Wales (PPW) is published by Welsh Ministers under the authority of the Planning (Wales) Act 2015. It sets out national planning policies which local authorities have a statutory duty to take into account when preparing their Local Development Plans, as required by the Planning and Compulsory Purchase Act 2004 (See Text Box 14).

*Text Box 14: The authority of Planning Policy Wales (PPW)*

The authority of Planning Policy Wales (PPW) and the duty to follow it are established by Acts of Parliament. The legal chain is as follows:

- The Planning (Wales) Act 2015 gives Welsh Ministers the legal power to prepare and publish national planning policy (which is PPW). It also establishes the National Development Framework for Wales, which PPW supports and complements.
- The Planning and Compulsory Purchase Act 2004 then creates the legal duty for local planning authorities to “have regard to” PPW when they are preparing their own Local Development Plans. Section 19 of the Act outlines how development plan documents must reflect strategic priorities, including climate change and sustainability, and be consistent with national policy (see *Section 2.1.2 Planning and Compulsory Purchase Act 2004*).

The current version, the Planning Policy Wales (Edition 12, 2024) (PPW)<sup>194</sup>, is the Welsh Government's overarching land use policy document, and it embeds climate adaptation as a core principle that local planning authorities must follow when making decisions. PPW requires development plans and planning decisions to mitigate and adapt to the effects of climate change as a central theme. For example, PPW directs that Local Development Plans (LDPs) should avoid allocating development in areas at high risk of flooding or coastal erosion (in line with Technical Advice Note 15 on flooding<sup>195</sup>), unless

<sup>194</sup> [Planning Policy Wales - Edition 12](#)

<sup>195</sup> [Technical advice note \(TAN\) 15: development, flooding and coastal erosion](#)

truly necessary and climate-resilient design can be assured. The PPW also expects councils to promote sustainable building design that

*“include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.”*

This policy mandate influences a range of local authority functions: from requiring flood risk assessments for new proposals, to securing green infrastructure (such as trees, vegetated sustainable drainage systems) in developments to manage overheating and surface water.

PPW is supported by several Technical Advice Notes (TANs), with the recently updated *TAN 15 Development, flooding and coastal erosion*<sup>195</sup> being particularly important for climate adaptation. This new statutory guidance mandates a significantly more precautionary approach to development in areas at risk. It is underpinned by the new Flood Map for Planning, which incorporates the latest climate change projections for river flows and sea level rise. As a result, local authorities are now required to enforce stricter controls on development in areas vulnerable to present and future flooding and coastal erosion, ensuring that planning decisions are based on the most current understanding of climate risk.

Another relevant guidance is TAN 24 (Historic Environment),<sup>196</sup> which advises on protecting historic assets from climate impacts. Additionally, Future Wales: The National Plan 2040<sup>197</sup> (a statutory strategic development plan) contains policies on climate-resilient growth. Together, these planning policies form a statutory policy framework that ensures councils incorporate adaptation. National planning policy in Wales operationalises supports local authorities’ adaptation duties by making climate resilience a material consideration (a factor that has to be considered in decision-making) in many land-use matters.

#### 4.3.3 National Strategy for Flood and Coastal Erosion Risk Management in Wales

The National Strategy for Flood and Coastal Erosion Risk Management in Wales (FCERM)<sup>198</sup> is a statutory strategy (required by Section 8 of FWMA 2010<sup>16</sup>) that guides all flood Risk Management Authorities, including local authorities. The 2020 Strategy sets out objectives and measures for the next 10 years aimed at reducing flood and coastal risks in a changing climate. It emphasises a long-term, climate-aware approach, acknowledging that flood frequencies will increase and sea levels will rise, affecting all sectors of society. The Strategy also promotes adaptive planning, such as sustainable

<sup>196</sup> [Technical Advice Note 24, The Historic Environment](#)

<sup>197</sup> [Future Wales - The National Plan 2040](#)

<sup>198</sup> [National Strategy for Flood and Coastal Erosion Risk Management \(FCERM\) in Wales](#)

drainage, natural flood management, and community-level preparedness. Local authorities' own flood risk strategies must be consistent with this national strategy.

Importantly, the Welsh Government issues guidance under this Strategy, such as *Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales (2022)*<sup>199</sup>. This guidance requires councils to consider climate change projections (like increased peak river flows and sea level rise) in the design of any flood or coastal project or plan, ensuring today's investments are resilient for decades ahead. It specifies that all FCERM decisions “*should consider credible and reasonable climate change impacts*”<sup>199</sup> and helps standardise how councils incorporate the latest UK Climate Projections (UKCP18) into flood risk assessments.

The national FCERM Strategy also dovetails with Shoreline Management Plans (SMPs)<sup>200</sup>, non-statutory plans for coastal areas. SMPs (See Section 2.2.4 *Coastal Protection*), supported by the national strategy, guide local authorities on when to hold the existing defence line, realign, or allow natural processes, taking into account 100-year climate projections.

In summary, the National FCERM Strategy and its accompanying guidance provide a clear policy framework that local authorities must follow in discharging their flood duties, effectively translating climate adaptation science into on-the-ground local authority practice.

#### 4.3.4 Other Welsh Government Policies and Frameworks

A range of other policies shape councils' adaptation work:

- The Nature Recovery Action Plan for Wales (NRAP)<sup>201</sup> is the national biodiversity strategy and complements climate adaptation by prioritising ecosystem resilience.
- The Welsh Government's declaration of a Climate Emergency (2019)<sup>202</sup> and a Nature Emergency (2021)<sup>203</sup> has led to directives that public bodies embed responses to these emergencies in operations. For instance, one of the ten objectives of the Welsh Government's Well-being Statement is to “Embed our response to the climate and nature emergency in everything we do.”<sup>204</sup>
- Public Service Board Guidance<sup>205</sup> (the *Shared Purpose: Shared Future* documents under the WFG Act) also steers councils to include climate risk in their well-being assessments and plans.

<sup>199</sup> [Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales](#)

<sup>200</sup> [Natural Resources Wales / Shoreline Management Plans](#)

<sup>201</sup> [The Nature Recovery Action Plan for Wales 2020 to 2021](#)

<sup>202</sup> [Welsh Government makes climate emergency declaration](#)

<sup>203</sup> [Plenary 30/06/2021 - Welsh Parliament](#)

<sup>204</sup> [Welsh Government - Well-being Statement](#)

<sup>205</sup> [SPSF 3: Collective role \(public services boards\)](#)

- In the area of public health, the Welsh Government's *Strategic Programme for Climate Change and Health*<sup>206</sup> provides policy goals that local authorities (in their public health role) work towards, such as cooling urban heat islands and improving air quality under warming conditions.

## 4.4 Programmes and Support for Local Authority Adaptation

The Welsh Government, along with partner agencies, supports a range of programmes, funding and initiatives to assist local authorities in fulfilling their adaptation roles.

### 4.4.1 Welsh Local Government Association

The Welsh Local Government Association (WLGA), which represents the 22 councils, has established a Climate Change Support Programme for Welsh Councils with funding from the Welsh Government<sup>207</sup>. This programme provides expertise, facilitation, and peer support to help councils ramp up both their mitigation and adaptation actions. While a strong focus is on decarbonisation (net-zero by 2030 for the public sector), the programme also addresses adaptation by highlighting opportunities for “win-win” actions (e.g. energy-efficient buildings that are also cooler in heatwaves) and by facilitating two-way communication between councils and the Welsh Government on climate resilience needs. The WLGA hosts a Climate Strategy Panel<sup>208</sup> for local government, where adaptation is discussed.

### 4.4.2 Funding Support

The Welsh Government maintains a dedicated, ring-fenced budget for Flood and Coastal Erosion Risk Management (FCERM) and provides substantial grants to local authorities each year<sup>209</sup>. The Welsh Government committed £214 million for flood and coastal erosion risk management between 2022–2027 (part of a £500 million+ investment over 2016–2026)<sup>210</sup>. Local authorities can bid for capital funding of flood alleviation schemes and coastal defences through this programme. All schemes must meet national criteria (e.g. demonstrating they reduce risk to life and homes) to be eligible for grant aid.

The Local Places for Nature programme<sup>211</sup> is a grant scheme that has funded tens of millions of pounds in community-level green infrastructure, which can be delivered via local authorities. It has funded the creation of pocket parks, urban tree planting, pollinator gardens, and local nature reserves, which not only boost biodiversity but also help with urban cooling and water management. Audit Wales notes that £66 million was allocated to Local Places for Nature between 2021-22 and 2024-25<sup>212</sup>.

<sup>206</sup> [Health and social care climate emergency: guidance](#)

<sup>207</sup> [Climate Change Support Programme for Welsh Councils - WLGA](#)

<sup>208</sup> [Local Government Climate Strategy Panel - WLGA](#)

<sup>209</sup> [Flood and Coastal Erosion Risk Management Programme 2024 to 2025](#)

<sup>210</sup> [Flooding and Coastal Erosion Research Briefing 2023](#)

<sup>211</sup> [Local Places for Nature Programme](#)

<sup>212</sup> [The Biodiversity and Resilience of Ecosystems Duty](#)



In addition to funding from the Welsh Government, a significant source of local investment comes from the UK Government. The UK Shared Prosperity Fund (UKSPF) was launched in 2022 to replace EU structural funds. Wales was allocated approximately £585 million for the fund's initial phase (2022-2025), and the fund has since been extended to March 2026. While it has broad objectives, its 'Communities and Place' priority provides a route for councils to fund climate adaptation projects, such as improving green infrastructure and the resilience of community facilities. In Wales, the fund is delivered locally through regional partnerships of local authorities, which develop and manage their own regional investment plans.

Some councils have formed regional collaborations, such as the Gwent Climate Ready Coalition<sup>213</sup>, pooling resources to create detailed climate risk maps and adaptation strategies across council boundaries.

There are also a number of UK-wide support programmes and tools outlined in Section 2.4 Programmes and Support for Local Authority Adaptation.

## 4.5 Summary of Duties and Powers

A summary of the duties and powers of Local Government in Wales to adapt to climate change is provided in Table 3.

*Table 3: Summary of climate adaptation duties and powers of LAs in Wales*

Type	Enabler	Scope	Description
Potential Duty	Climate Change Act 2008	UK-wide	Welsh Ministers must produce periodic reports on objectives, actions, and future priorities regarding climate change impacts. Local authorities are key implementing bodies and are expected to take account of these reports. Welsh councils can be directed or invited to prepare Adaptation Progress Reports. A legal duty for a council to report only exists if and when they receive a formal direction.
Duty	Well-being of Future Generations (Wales) Act 2015 (WFG Act)	Wales	Local authorities must carry out sustainable development and pursue seven statutory national well-being goals, including "A Resilient Wales". This requires them to set and meet objectives contributing to these goals, taking climate risks into account in decision-making and service delivery. Each local authority leads

<sup>213</sup> [Natural Resources Wales / Climate Ready Gwent](#)



Type	Enabler	Scope	Description
			a Public Services Board (PSB) to prepare a Local Well-being Plan addressing local risks like climate change.
Duty	Flood and Water Management Act 2010	England and Wales	Unitary authorities are Lead Local Flood Authorities (LLFAs) with duties to manage and reduce local flood risks, including risk assessments, strategic planning, incident investigations, asset maintenance, and promoting sustainable drainage.
Duty	Environment (Wales) Act 2016	Wales	Section 6 imposes an enhanced biodiversity and resilience of ecosystems duty on public authorities to maintain and enhance biodiversity and promote ecosystem resilience. Local authorities must publish a report on actions taken to comply. They are also expected to consider Natural Resources Wales's State of Natural Resources Report and "area statements".
Duty	Civil Contingencies Act 2004	UK-wide	Councils are Category 1 responders and must assess the risk of emergencies (including extreme weather events) and maintain up-to-date emergency and business continuity plans.
Duty	Social Services and Well-being (Wales) Act 2014	Wales	Local authorities have a statutory duty to promote the well-being of their communities, including protecting vulnerable people from public health risks associated with climate change, such as heatwaves.
Duty	Highways Act 1980	England and Wales	Highway authorities (county councils) have a statutory duty to maintain public highways, including managing highway drainage.
Power	Local Government	Wales	Section 24 provides qualifying local authorities with a General Power of

Type	Enabler	Scope	Description
	and Elections (Wales) Act 2021		Competence (GPC) "to do anything that individuals generally may do" for the benefit of their area. This supersedes earlier well-being powers.
Power	Town and Country Planning Act 1990 & Planning (Wales) Act 2015	England and Wales	Local Planning Authorities have discretionary authority to shape climate-resilient communities. They can adopt stringent local planning policies (in LDPs or supplementary guidance) exceeding national standards for flood risk avoidance, green space, or sustainable drainage.
Power	Flood and Water Management Act 2010	England and Wales	Grants local authorities permissive powers to undertake works to manage flood and coastal erosion risk.
Power	Coast Protection Act 1949	Great Britain	Empowers maritime local authorities to conduct coast protection works (e.g. sea walls, beach nourishment) as climate adaptation measures, with Welsh Government approval and funding.
Power	Land Drainage Act 1991	England and Wales	Local authorities (in areas without internal drainage boards) have powers to maintain or improve ordinary watercourses and enforce against obstructions to reduce local flood risk on a permissive basis.
Power	Environment (Wales) Act 2016	Wales	Councils can go further than the Section 6 duty, e.g. by entering into management agreements with landowners to restore wetlands or plant woodlands for flood attenuation. The Sustainable Management of Natural Resources (SMNR) framework encourages innovative and collaborative projects.
Power	Countryside Act 1968	England and Wales	Councils can manage country parks and public rights of way, which can be used to enhance resilience (e.g. shading routes, improving upland catchments).

Type	Enabler	Scope	Description
Power	Procurement Act 2023	England, Wales, and Northern Ireland	Local authorities can embed climate adaptation criteria into procurement processes, using the Act's flexibility to award contracts that contribute to the statutory Well-being Goals, including building a 'Resilient Wales'.

In summary, local authorities in Wales are guided by a distinctive governance framework for climate change adaptation, rooted in sustainability principles. The Well-being of Future Generations (Wales) Act 2015 is a cornerstone, compelling councils to embed sustainable development and pursue the "Resilient Wales" goal, thereby integrating climate adaptation into their core decision-making and Local Well-being Plans. This is further strengthened by the Environment (Wales) Act 2016, which mandates a crucial biodiversity and ecosystem resilience duty (Section 6) for public bodies. Specific obligations for flood risk management are defined by the Flood and Water Management Act 2010, designating unitary authorities as Lead Local Flood Authorities.

While the UK Climate Change Act 2008 provides an overarching framework, Wales has its own statutory Climate Adaptation Strategy, setting out national objectives that local authorities are key to implementing. Welsh councils are endowed with a broad General Power of Competence through the Local Government and Elections (Wales) Act 2021<sup>183</sup>, enabling them to pursue proactive and innovative adaptation measures beyond their direct duties. National policy, particularly Planning Policy Wales and the National Strategy for Flood and Coastal Erosion Risk Management, provides robust direction, ensuring that adaptation is a central consideration in land-use planning and risk management. A more detailed assessment of the challenges and success factors that enable adaptation at the local authority level is provided in an aligned report.

## 5 Powers and Duties of Northern Ireland Local Authorities for Climate Change Adaptation

This chapter outlines the adaptation framework for Northern Ireland local authorities, detailing the newly formalised statutory reporting duties, the enabling powers available for discretionary action, and the key strategic policies that influence their council's activities. There are 11 councils in Northern Ireland, sometimes referred to as 'district councils' in law, even though they have different names including borough or city council. All have the same functions. These responsibilities are summarised in *Table 4* at the end of this chapter.

### 5.1 Legislation and Statutory Duties

Northern Ireland's approach to climate change legislation differs from both Scotland and Wales. Like Scotland, Northern Ireland has its own comprehensive, domestic legislation, the Climate Change Act (Northern Ireland) 2022<sup>214</sup>. This Act establishes a specific framework of duties and reporting requirements for public bodies within Northern Ireland. However, this framework also formally interacts with the UK-wide system. The 2022 Act requires Northern Ireland's public bodies to have regard to key outputs of the UK Climate Change Act 2008, particularly the UK Climate Change Risk Assessment, when preparing their own climate reports.

#### 5.1.1 The Climate Change Act (Northern Ireland) 2022

The Climate Change Act (Northern Ireland) 2022 establishes a framework for addressing climate change in Northern Ireland, setting legally binding targets to achieve net-zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040<sup>215</sup>. While the Act primarily focuses on mitigation, it also empowers the Department of Agriculture, Environment and Rural Affairs (DAERA) to impose climate change reporting duties on specified public bodies, including councils<sup>216</sup>.

Section 42 of the Act mandates DAERA to make regulations requiring these bodies to report on climate change matters. In fulfilling this mandate, DAERA introduced the Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024<sup>217</sup>, which came into operation on 3 May 2024. Under these regulations, specified public bodies are required to prepare adaptation and mitigation reports. The adaptation reports must assess the current and predicted impacts of climate change on the body's functions, outline proposals and policies for adapting to these impacts, specify timescales for implementing these measures, and evaluate progress made in previous adaptation efforts. The first adaptation report is due by 31 March 2026, covering the period from 1

<sup>214</sup> [Climate Change Act \(Northern Ireland\) 2022](#)

<sup>215</sup> [Climate Change Act \(Northern Ireland\) 2022 Part 1](#)

<sup>216</sup> [Climate Change Act \(Northern Ireland\) 2022 Section 42](#)

<sup>217</sup> [The Climate Change \(Reporting Bodies\) Regulations \(Northern Ireland\) 2024](#)

January 2026 to 31 December 2029. Subsequent reports are to be submitted every five years thereafter<sup>218</sup>.

The regulations also stipulate that reporting bodies must have regard to the most recent UK Climate Change Risk Assessment and Northern Ireland's Climate Change Adaptation Programme when preparing their reports<sup>217</sup>. This reporting duty applies to all 11 councils in Northern Ireland, which are specified as reporting bodies in the 2024 Regulations. Consequently, each council will be required to submit its first report, covering both adaptation and mitigation, by the 31 March 2026 deadline. In terms of oversight, the Climate Change Act (Northern Ireland) 2022 requires DAERA to either publish a summary of these reports or lay them before the Northern Ireland Assembly. The Act specifies that any summary published by the Department may also include its assessment of the reports.

### 5.1.2 Planning Act (Northern Ireland) 2011

As local planning authorities, councils have statutory responsibilities to incorporate climate adaptation into land-use planning. The Planning Act (Northern Ireland) 2011<sup>219</sup> requires each council to prepare a Local Development Plan (LDP) and to keep under review “*the potential impact of climate change*”<sup>220</sup> on their district’s development. In practice, this means councils must account for future climate conditions (e.g. increased flood or coastal erosion risk, changing weather patterns) when zoning land and assessing development proposals. Section 5 of the Act also imposes a sustainable development duty, obliging councils to exercise planning functions with the objective of furthering sustainable development and to take account of central government policies in doing so<sup>221</sup>.

In Northern Ireland, government planning policy has made climate adaptation a core principle. This is established in the Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015<sup>222</sup>, which directs that planning must “mitigate and adapt to climate change” as a central challenge. For example, the SPPS instructs councils to adopt a precautionary approach to flood risk. LDPs should not zone land or approve projects in areas prone to flooding now or in the future due to climate change. In sum, the Planning Act framework imposes a duty to integrate climate adaptation into local planning decisions, safeguarding infrastructure and communities against future climate impacts.

### 5.1.3 Flood Risk Management

A key point of difference between Northern Ireland and the other UK nations is the governance of flood risk management. In Northern Ireland, the primary statutory duties for managing flood risk are held by a central government department, not by local local

<sup>218</sup> [Public Body Reporting | Climate NI](#)

<sup>219</sup> [Planning Act \(Northern Ireland\) 2011](#)

<sup>220</sup> [Planning Act \(Northern Ireland\) 2011 Part 2 Section 3](#)

<sup>221</sup> [Planning Act \(Northern Ireland\) 2011 Part 2 Section 5](#)

<sup>222</sup> [Strategic Planning Policy Statement for Northern Ireland \(SPPS\) pp 13](#)

councils. The specific, more limited role of district councils in this area is explained in Text Box 15.

*Text Box 15: Flood Risk Management: A Centralised Approach*

### **Flood Risk Management in Northern Ireland: A Centralised Approach**

Unlike in Great Britain, where flood management duties are significantly devolved to local authorities, flood management in Northern Ireland is highly centralised. The primary statutory responsibility for managing flood risk from main rivers and the sea lies with a central government body, the Department for Infrastructure (DfI), under the Drainage (Northern Ireland) Order 1973<sup>223</sup>.

As a result, district councils in Northern Ireland do not have the same "Lead Local Flood Authority" status as their counterparts elsewhere in the UK and are not responsible for creating local flood risk strategies. However, like in other UK nations, the following two functions are statutory duties of district councils in managing flood risk:

- **Land-Use Planning:** As the local planning authority, each council has a critical duty under the Planning Act (Northern Ireland) 2011 to prevent inappropriate development in areas at risk of flooding. This is their main proactive tool for long-term flood adaptation, using their Local Development Plans to steer development to safer locations.
- **Emergency Response:** As Category 1 Responders under the Civil Contingencies Act 2004, councils have a mandatory duty to plan for and respond to flood events. This includes providing support to affected communities, establishing rest centres, and coordinating local clean-up efforts.

#### **5.1.4 Wildlife and Natural Environment Act (Northern Ireland) 2011**

The Wildlife and Natural Environment Act (Northern Ireland) 2011<sup>224</sup> (WANE Act) introduced a biodiversity duty on all public bodies, including councils, which is highly relevant to climate adaptation in ecosystems. Section 1 of the WANE Act provides that:

*"it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions."*

Councils must therefore consider how their policies and operations can protect and enhance biodiversity, which often entails helping habitats and species adapt to climate change. For example, councils must be mindful of climate threats to local species (e.g. changes in range, invasive species, habitat loss from extreme weather) and take action accordingly. This could include managing green spaces for ecological resilience or

<sup>223</sup> [Drainage \(Northern Ireland\) Order 1973](#)

<sup>224</sup> [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#)

developing Local Biodiversity Action Plans. In addition, actions to protect and enhance biodiversity, such as the creation of green spaces, also have the potential to support adaptation (e.g. green spaces can support cooling and flood management).

### 5.1.5 Civil Contingencies and Emergency Planning Duties

While not an NI Assembly act, the UK's Civil Contingencies Act 2004<sup>40</sup> applies to NI and designates district councils as Category 1 responders for emergency planning. As with other nations in the UK, this means councils have a legal duty to assess risks and prepare emergency plans for events that threaten human welfare (See *Section 2.1.6 Civil Contingencies Act 2004.*). In NI, councils collaborate through the Northern Ireland Civil Contingencies Framework<sup>225</sup> (NICCF) to fulfil these obligations.

### 5.1.6 Other duties

In addition to the above, NI councils operate under general sustainable development obligations that indirectly encompass climate adaptation. The Northern Ireland (Miscellaneous Provisions) Act 2006<sup>226</sup> imposed a duty on NI departments and district councils to carry out their functions in a way that contributes to sustainable development. This broad duty (augmented by the Local Government Act NI 2014) means councils should factor long-term environmental well-being into decisions. While an earlier sustainable development strategy, *“Everyone’s Involved”* (2010)<sup>227</sup> identified climate adaptation as a key pillar, this principle is now driven by more current and powerful legislative and policy frameworks. The NI Executive’s Green Growth Strategy (See 5.3.4 Departmental Guidance and Sectoral Policies) and, most importantly, the legally binding reporting requirements of the Climate Change Act (Northern Ireland) 2022, have become the primary drivers for ensuring councils integrate climate resilience as part of delivering sustainable communities.

## 5.2 Discretionary Powers Enabling Adaptation Action

Beyond mandatory duties, Northern Ireland’s councils have been granted broad powers and competences that they can and have used voluntarily to support climate adaptation at the local level.

### 5.2.1 General Power of Competence

As with other nations in the UK, Part 11 of the Local Government Act NI 2014<sup>228</sup> gives each council a general discretionary power to act for the benefit of their area. In essence, *“a council has power to do anything that individuals generally may do”*. This general power of competence enables councils to pursue climate adaptation initiatives at their own discretion. For example, under this power, a council can establish local resilience hubs, implement novel nature-based solutions on council land, or invest in climate-resilient

<sup>225</sup> [The Northern Ireland Civil Contingencies Framework \(Revised 2023\)](#)

<sup>226</sup> [Northern Ireland \(Miscellaneous Provisions\) Act 2006 Section 25](#)

<sup>227</sup> [NI Sustainable Development Strategy - Everyone’s Involved](#)

<sup>228</sup> [Local Government Act \(Northern Ireland\) 2014 Section 79](#)



infrastructure beyond routine maintenance mandated elsewhere (also see *Section 2.2.1 General Power of Competence*).

### 5.2.2 Community Planning Powers

The Local Government Act NI 2014 also introduced Community Planning, which councils must undertake, but the content of which is mainly at their discretion<sup>229</sup>. Community planning is defined as a process to improve the social, economic and environmental well-being of the district and to contribute to sustainable development in NI. Councils lead this process in partnership with agencies and the community, setting long-term objectives in a Community Plan. Through community planning, councils have the flexibility to shape local policy on adaptation, coordinating land-use planning, infrastructure, and community development toward a more climate-resilient district.

### 5.2.3 Other Powers

A range of legislation gives councils additional levers they may use for climate adaptation:

- Under various environmental health laws, such as the Health and Safety at Work (Northern Ireland) Order 1978<sup>230</sup>, councils can promote public health measures during heatwaves (e.g. opening cooling centres, inspecting high-risk premises for heat safety).
- Under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011<sup>231</sup>, councils have powers to improve the local environment, which can have adaptation co-benefits like urban cooling and runoff control. For example, Section 65<sup>232</sup> empowers councils to take action against statutory nuisances, which can include issues exacerbated by climate change, such as dust or odours during heatwaves.
- Under the Procurement Act 2023, councils have the power to embed climate adaptation criteria into their purchasing decisions. The Act allows them to give weight to wider public benefits, including environmental resilience, when awarding contracts. This enables councils to, for example, specify flood-resilient materials for new infrastructure or favour suppliers who demonstrate a commitment to climate resilience.
- Under Section 90 of the Local Government Act (Northern Ireland) 1972<sup>233</sup>, councils also have powers to make local by-laws or undertake works on their property. This power applies to the full range of facilities and assets owned by the council, such as their administrative offices, town halls, leisure centres, parks, and waste management sites, allowing them to undertake adaptation works like

<sup>229</sup> [Local Government Act \(Northern Ireland\) 2014 Part 10](#)

<sup>230</sup> [Health and Safety at Work \(Northern Ireland\) Order 1978](#)

<sup>231</sup> [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011](#)

<sup>232</sup> [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 Section 65](#)

<sup>233</sup> [Local Government Act \(Northern Ireland\) 1972 Section 90](#)

installing green roofs or improving drainage<sup>234</sup>. Under Section 90, a council owning coastal land can, for example, invest in dune restoration or coastal defences using its general competence and land management powers.

- Councils can also enter partnerships by agreement (enabled by the Local Government Act), allowing them to work with departments or neighbouring councils<sup>235</sup> on adaptation projects beyond their direct remit.

In all these cases, while not explicitly labelled for “climate adaptation,” the legal authority exists for councils to voluntarily allocate resources to adaptation as part of their general power to promote well-being. NI councils have broad discretionary powers, underpinned by general competence, community planning, and sectoral functions, that they can mobilise to advance local climate change adaptation above and beyond minimum statutory requirements.

## 5.3 Statutory Guidance and National Policies

Council adaptation initiative in Northern Ireland are guided and shaped by higher-level strategies, statutory guidance documents, and policy frameworks set by the NI Executive and departments.

### 5.3.1 Northern Ireland Climate Change Adaptation Programme

The Northern Ireland Climate Change Adaptation Programme<sup>5</sup> (NICCAP) is the primary strategic framework for climate resilience in Northern Ireland. Under the UK Climate Change Act 2008<sup>6</sup>, NI departments are legally required to produce a Climate Change Adaptation Programme responding to the latest UK Climate Change Risk Assessment. The second programme (NICCAP2 2019–2024<sup>236</sup>) is currently being succeeded by the third Northern Ireland Climate Change Adaptation Programme (NICCAP3). A draft of NICCAP3 has been released for an extensive public consultation, which closed in August 2025. Notably, this draft programme signals a significant shift towards a stronger place-based and community-focused approach to adaptation, which will have direct implications for the roles and responsibilities of local councils.

While the NICCAP is directed at central government departments, it explicitly involves local government. The NICCAP2 includes a dedicated chapter “*Civil Society and Local Government Adapts*” outlining how councils and communities contribute to the overall adaptation vision. This section of NICCAP provides guidance and a set of actions for councils (for example, to integrate climate risks into local decision-making and to implement nature-based solutions) which, while not legally binding, can strongly influence local council policies. In effect, NICCAP serves as a statutory policy framework that councils are expected to take into account. Indeed, the new reporting regulations

<sup>234</sup> It is important to note that this power does not extend to social housing. Unlike the rest of the UK, all public housing functions were transferred from local authorities to the Northern Ireland Housing Executive (NIHE) in the early 1970s. Consequently, district councils in Northern Ireland do not own or manage a housing stock.

<sup>235</sup> [Local Government Act \(Northern Ireland\) 2014 Section 26](#)

<sup>236</sup> [Northern Ireland Climate Change Adaptation Programme 2019-2024](#)

(from the Climate Change Act (Northern Ireland) 2022<sup>214</sup>) require councils to have regard to the most recent CCRA and, by extension, the NICCAP when formulating their adaptation plans.

### 5.3.2 Programme for Government

The Programme for Government (PfG) 2024–2027: Our Plan – Doing What Matters Most<sup>237</sup>, adopted by the Northern Ireland Executive in February 2025, outlines strategic priorities that guide public bodies, including district councils, in aligning their policies and actions. While not statutory, the PfG influences operational and strategic decisions, particularly in areas related to climate change adaptation. Key priorities relevant to adaptation include protecting Lough Neagh and the environment, providing more sustainable housing, and improving transport infrastructure for safer, connected communities. The PfG introduces three long-term missions, People, Planet, and Prosperity, with the Planet mission explicitly addressing environmental sustainability and climate action. District Councils are expected to align their local strategies and community planning efforts with these priorities, facilitating coordinated action across different levels of government.

### 5.3.3 Strategic Planning Policy and Guidance

As noted above (see *Section 5.1.2 Planning Act (Northern Ireland) 2011*), the Department for Infrastructure’s Strategic Planning Policy Statement (SPPS) (2015)<sup>222</sup> is a key piece of statutory guidance for councils. The SPPS is a ministerial planning policy that councils must adhere to in both plan-making and decision-taking. It contains specific guidance on climate adaptation. “*Mitigating and Adapting to Climate Change*” is identified as a core principle of the planning system. The SPPS highlights that adaptation means adjusting to climate impacts and exploiting any opportunities, and it references NI’s Adaptation Programme as context.

In practical terms, the SPPS directs councils to manage development in vulnerable areas (for example, to avoid zoning land in floodplains or coastal erosion zones and to incorporate climate risk data into LDPs). It also sets policy expectations for development management, such as requiring sustainable drainage systems in new developments and green infrastructure to combat urban heating. Together with more detailed guidance (like Planning Policy Statements still in use for Flood Risk and Coastal Planning<sup>238</sup>), the SPPS ensures that local planning policies are climate proofed. Councils must align their LDPs with this guidance, effectively mainstreaming adaptation considerations (flood defences, resilient infrastructure design, etc.) at the local policy level.

### 5.3.4 Departmental Guidance and Sectoral Policies

Various NI departments issue guidance that shapes council action on adaptation. For instance, DAERA’s Guidance on the Biodiversity Duty<sup>239</sup> helps councils interpret their obligations under the WANE Act, including adapting biodiversity management in light of

<sup>237</sup> [Our Plan: Doing What Matters Most](#)

<sup>238</sup> [Retained Planning Policy | DfI](#)

<sup>239</sup> [Biodiversity Duty - Guidelines for Public Bodies](#)

climate change. The Department for Infrastructure publishes Flood Risk Management Plans<sup>240 241</sup> which, while led by central government, inform councils of areas at risk and proposed measures. Similarly, the Public Health Agency and Department of Health provide heatwave planning guidance as part of NI civil contingency planning, guiding councils on protecting vulnerable populations during extreme heat<sup>242 243</sup>.

In addition, the NI Executive’s “Green Growth Strategy” (2021)<sup>244</sup> and associated Climate Action Plans encompass adaptation pillars such as resilient agriculture, infrastructure and ecosystems. These strategies are not strictly statutory, but they are official policy roadmaps. Councils are expected to contribute to Green Growth goals<sup>245</sup> (for example, by implementing nature-based solutions or enhancing the resilience of public services) and to follow any specific guidance that emerges.

## 5.4 Programmes and Support for Local Authority Adaptation

In Northern Ireland councils benefit from a variety of funding streams and support programmes designed to help them fulfil their adaptation duties.

### 5.4.1 Department of Agriculture, Environment and Rural Affairs Support

The NI Department of Agriculture, Environment and Rural Affairs (DAERA) administers funds that councils can tap into for adaptation-related projects. Notably, the Environment Fund (2023–2028)<sup>246</sup> provides grants for projects delivering key environmental outcomes across NI. Through this fund, DAERA supports initiatives like habitat restoration, peatland recovery, tree planting, and coastal monitoring – all of which bolster climate resilience. For example, the Environment Fund has co-financed council-partnered projects to monitor and adapt to coastal change in vulnerable areas. Biodiversity and nature-based adaptation projects led by councils (e.g. creating wetlands to reduce flood risk or enhancing urban green space to cool cities) are eligible under the fund’s nature recovery and environmental improvement strands. DAERA also runs challenge funds for specific themes (for example, the Peatland Restoration Challenge Fund and a Nature Recovery Fund, both currently closed for applications<sup>246</sup>), which many councils have benefited from to improve carbon sinks and climate resilience in their local landscapes.

In addition to funding, DAERA provides support via Climate NI<sup>247</sup>, a network it funds to build capacity on adaptation. Climate NI offers training and facilitates knowledge-sharing among councils.

<sup>240</sup> [Flood risk management plans | DfI](#)

<sup>241</sup> [Second Cycle Northern Ireland Flood Risk Management Plan 2021-2027 | DfI](#)

<sup>242</sup> [Hot weather advice | nidirect](#)

<sup>243</sup> [Information leaflets on caring for patients before and during a heatwave | DoH](#)

<sup>244</sup> [Green Growth Strategy | DAERA](#)

<sup>245</sup> [Today we act - Draft Green Growth Strategy](#)

<sup>246</sup> [Environment Fund 2023 - 2028 | DAERA](#)

<sup>247</sup> [Climate Northern Ireland | Awareness of the NI Climate Challenge](#)

### 5.4.2 Department for Infrastructure Support

The Department for Infrastructure (DfI) leads on infrastructure adaptation (roads, rivers, transport) and works in partnership with councils on many resilience measures. While DfI's budget is largely spent on central works, councils benefit through capital projects and schemes delivered or funded by DfI in local areas. One key area is flood risk management<sup>248</sup>. DfI (through its Rivers unit) provides funding for significant flood defence schemes (for instance, construction of flood walls or drainage upgrades in towns) which directly protect local communities and council assets. Councils can collaborate by providing land or by integrating these defences into local regeneration projects.

### 5.4.3 UK Shared Prosperity Fund (UKSPF)

The UKSPF is a UK-wide funding programme launched in 2022 to replace EU structural funds. Its initial phase allocated approximately £127 million to Northern Ireland for local investment for the period up to March 2025, and the fund has been extended for the 2025-26 financial year. District councils are key partners in the delivery of projects funded through the UKSPF, which are guided by a single Investment Plan for all of Northern Ireland.<sup>249</sup>

### 5.4.4 PEACE Plus and Cross-Border Programs

The PEACEPLUS (2021–2027) is a €1.1 billion EU-UK-Ireland funding programme aimed at peace and prosperity in NI and the Irish border counties<sup>250</sup>. While its primary focus is societal cohesion, it has a dedicated theme for building a sustainable and climate-resilient future in the region. Councils, especially those near the border, can access PEACE Plus funding for collaborative environmental projects that strengthen resilience. For instance, under PEACE Plus Theme 2 and Theme 6, there are cross-border initiatives for water quality and flood management in shared river catchments, peatland and bog restoration (as carbon sinks and flood sponges), and community climate action networks.

### 5.4.5 Other Support

Organisations like Climate NI<sup>251</sup>, Sustainable NI<sup>252</sup> and NILGA<sup>253</sup> offer training, policy guidance and forums for sharing best practice on adaptation. Climate NI provides a wide range of sector support, including the Local Government Climate Action Network and the NI Adapts planning toolkit<sup>254</sup> to help local councils develop their climate adaptation plans. The Local Government Climate Action Network<sup>255</sup> meets to align council efforts with departmental plans and to funnel technical support (for instance, providing

<sup>248</sup> [Flood alleviation projects | DfI](#)

<sup>249</sup> [UKSPF Investment Plan Northern Ireland](#)

<sup>250</sup> [Peace Plus Programme | The Executive Office](#)

<sup>251</sup> [What We Do | Climate NI](#)

<sup>252</sup> [Sustainable NI](#)

<sup>253</sup> [Home - NILGA](#)

<sup>254</sup> [NI Adapts Planning Toolkit](#)

<sup>255</sup> [Local Government Climate Action Network \(LGCAN\)](#)

downscaled climate projections for use by council planners and engineers). Sustainable NI provides advisory services to councils, delivers projects and supports wider sustainability partnerships across Northern Ireland. The practical impact of a council leveraging this support ecosystem, alongside proactive external funding, is demonstrated in the Derry and Strabane case study below (*Text Box 16*).

*Text Box 16: Proactive Funding and Partnership in Derry & Strabane*

### **Proactive Funding and Partnership in Derry & Strabane**

The Net Zero Derry & Strabane project illustrates how a council can proactively seek out competitive UK-wide funding and leverage the expertise of the local support organisations mentioned above to deliver a transformative climate initiative.

Rather than relying solely on departmental funding streams, Derry City and Strabane District Council successfully secured a grant from Innovate UK to deliver the project. Importantly, the council built a delivery team that includes key Northern Ireland support bodies, including Sustainable NI and Climate NI.

This collaboration aims to achieve the ambitious goal of a “*net-zero, climate-resilient City and District by 2045*”<sup>256</sup> through capacity building and place-based action. A key output of this partnership has been the establishment of the Derry & Strabane Sustainability and Climate Commission. This new governance structure brings together over 24 organisations to embed long-term, collaborative climate action—covering both mitigation and adaptation—within the region. This case study demonstrates a best-practice model where a council acts as a leader, securing external funding and mobilising the wider support network to build lasting local climate resilience.

There are also a number of UK wide support programmes and tools outlined in Section 2.4 Programmes and Support for Local Authority Adaptation.

## **5.5 Summary of Duties and Powers**

A summary of the duties and powers of Local Government in Northern Ireland to adapt to climate change is provided in Table 4.

*Table 4: Summary of climate adaptation duties and powers of LAs in Northern Ireland*

Type	Enabler	Scope	Description
Duty	Climate Change Act (Northern Ireland) 2022 & Climate Change (Reporting	Northern Ireland	The Act empowers DAERA to impose climate change reporting duties on specified public bodies, including district councils. Under the 2024

<sup>256</sup> [Derry and Strabane Sustainability and Climate Commission](#)

Type	Enabler	Scope	Description
	Bodies) Regulations (Northern Ireland) 2024		Regulations, these bodies must prepare adaptation reports assessing current and predicted climate change impacts on their functions, outlining adaptation proposals/policies, specifying implementation timescales, and evaluating progress. The first report is due by 31 March 2026. Reporting bodies must regard the latest UK CCRA and NI's Climate Change Adaptation Programme.
Duty	Planning Act (Northern Ireland) 2011	Northern Ireland	District councils must prepare a Local Development Plan (LDP) and review the potential impact of climate change on their district's development. Councils must exercise planning functions to further sustainable development and consider central government policies, including those on climate adaptation. The Strategic Planning Policy Statement (SPPS) 2015 directs that planning should mitigate and adapt to climate change.
Duty	Wildlife and Natural Environment Act (Northern Ireland) 2011 (WANE Act)	Northern Ireland	Public bodies, including district councils, must further the conservation of biodiversity so far as is consistent with the proper exercise of their functions. This requires considering climate threats to local species and habitats.
Duty	Civil Contingencies Act 2004	UK-wide	District councils are Category 1 responders and have a legal duty to assess risks and prepare emergency plans for events threatening human welfare, including extreme weather. Councils collaborate through the Northern Ireland Civil Contingencies Framework (NICCF).



Type	Enabler	Scope	Description
Duty	Northern Ireland (Miscellaneous Provisions) Act 2006	Northern Ireland	Imposed a duty on NI departments and district councils to carry out their functions in a way that contributes to sustainable development, which indirectly encompasses climate adaptation.
Power	Local Government Act Northern Ireland 2014	Northern Ireland	Part 11 gives councils a general power of competence to "do anything that individuals generally may do" for the benefit of their area, enabling discretionary climate adaptation initiatives.
Power	Local Government Act Northern Ireland 2014	Northern Ireland	Introduced Community Planning, which councils lead to improve social, economic, and environmental well-being and contribute to sustainable development. This allows councils to shape local policy on adaptation through Community Plans.
Power	Health and Safety at Work (Northern Ireland) Order 1978	Northern Ireland	Councils can promote public health measures for people at work, for example during periods of heatwaves (e.g. opening cooling centres).
Power	Clean Neighbourhoods and Environment Act (Northern Ireland) 2011	Northern Ireland	Section 65 empowers councils to take action against statutory nuisances, which can include issues exacerbated by climate change.
Power	Local Government Act (Northern Ireland) 1972	Northern Ireland	Section 90 gives councils powers to make local by-laws or undertake works on their property (e.g. investing in dune restoration or coastal defences on council-owned land).
Power	Procurement Act 2023	England, Wales, and	Councils have the power to include climate adaptation criteria in their purchasing decisions. The Act allows them to give weight to wider public

Type	Enabler	Scope	Description
		Northern Ireland	benefits, such as environmental resilience, when awarding contracts.

The Climate Change Act (Northern Ireland) 2022, and the subsequent Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024<sup>217</sup>, establish a clear, albeit new, statutory requirement for councils to prepare adaptation reports, assess climate impacts and outline their response strategies. This is complemented by existing duties under the Planning Act (Northern Ireland) 2011, which mandates the integration of climate change considerations and sustainable development into Local Development Plans, guided by the Strategic Planning Policy Statement<sup>222</sup> (SPPS). Further obligations include a biodiversity duty under the Wildlife and Natural Environment Act (Northern Ireland) 2011<sup>224</sup> and emergency preparedness responsibilities as Category 1 responders via the UK Civil Contingencies Act 2004<sup>40</sup>.

Beyond these duties, the Local Government Act (Northern Ireland) 2014 provides councils with a General Power of Competence and leadership in Community Planning, offering considerable discretionary scope to advance local adaptation initiatives. National strategic direction is provided by the Northern Ireland Climate Change Adaptation Programme<sup>5</sup> (NICCAP) and influenced by the Programme for Government, with councils expected to align their efforts with these frameworks. Support mechanisms, including funding from DAERA and DfI, alongside programmes like the UK Shared Prosperity Fund and PEACEPLUS, are available to assist councils in delivering on their adaptation responsibilities. Thus, while some adaptation reporting duties are newly formalised, Northern Ireland's councils are increasingly steered by a combination of statutory requirements and enabling powers to address climate resilience within their communities. A more detailed assessment of the challenges and success factors that enable adaptation at the local authority level is provided in an aligned report.

## 6 Summary Characteristics of the UK Legislative and Policy Landscape

This chapter draws together the findings from across the four nations to summarise the key characteristics of the legislative and policy landscape for local authority climate adaptation in the UK. As is evident from the preceding chapters, the framework is not uniform. Rather, it is a complex mosaic of duties, powers, and policies that vary by nation. However, several overarching characteristics are evident.

### 6.1 Core Features of the Governance Framework

Across the UK, the governance of local climate adaptation is defined by a consistent set of features:

- **Absence of a Single, Overarching Duty:** A primary characteristic is the absence of a single, standalone statutory duty that explicitly and comprehensively requires all local authorities to adapt to climate change. No nation has a single "Local Authority Climate Adaptation Act." Instead, legal responsibility is established indirectly.
- **Duties Embedded Across Multiple Statutes:** Adaptation-related duties are distributed across numerous pieces of legislation designed for other primary purposes. These are most commonly found in laws relating to land-use planning, flood and water management, biodiversity and nature conservation, and civil contingencies/emergency planning. This results in a landscape where adaptation responsibilities are embedded in specific service areas rather than being centralised and mainstreamed.
- **The Significant Role of Discretionary Powers:** A key feature of the landscape is the use of broad, discretionary powers to enable adaptation. The General Power of Competence (in England, Wales, and Northern Ireland) and the "power to advance well-being" (in Scotland) provide councils with the legal opportunity latitude to pursue proactive and innovative adaptation projects, should they have the local political will and resources to do so. These powers act as a crucial vital supplement to specific statutory duties, providing the authority for councils to go beyond mandatory requirements without creating a new, standalone obligation to do so.
- **The Influence of National Policy and Guidance:** In all four nations, national policy and statutory guidance play a critical role in directing how local authorities fulfil their duties. Frameworks like the National Planning Policy Framework (NPPF) in England or National Planning Framework 4 (NPF4) in Scotland are not laws in themselves, but they carry significant legal weight as "material considerations" in planning, effectively guiding councils on how to integrate adaptation into development decisions.

## 6.2 National Variations in Governance

While the characteristics listed above are common across the UK, their specific manifestations vary between England, Scotland, Wales, and Northern Ireland, reflecting their distinct governance contexts and legislative pathways. For instance, England's reliance on national policy guidance and voluntary reporting contrasts with Scotland's general statutory climate change duty, Wales's well-being framework, which requires climate resilience to be balanced against other long-term statutory goals, and Northern Ireland's newer, reporting-focused mandates.

The following table provides a comparative overview of key legislative instruments and the associated primary adaptation challenges faced by local authorities across the UK nations, illustrating the varied yet consistently complex nature of the governance landscape.

*Table 5: Comparative Overview of Key Legislative Instruments and Associated Adaptation Challenges for UK Local Authorities*

Nation	Nature of Primary LA Adaptation Duty/Power
England	<ul style="list-style-type: none"> <li>• <b>Climate Change Reporting:</b> There is no direct mandatory duty for councils in England to prepare adaptation reports. Instead, local authorities have been invited to submit reports voluntarily under the Adaptation Reporting Power (ARP), a process established by the Climate Change Act 2008.</li> <li>• <b>Planning:</b> Local Plans have a statutory duty to address climate adaptation under the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework (NPPF) sets out the national policy for how this duty should be met.</li> <li>• <b>Flood:</b> Lead Local Flood Authorities (LLFAs) have statutory responsibilities for local flood risk management under the Flood and Water Management Act 2010.</li> <li>• <b>Coastal:</b> Duties to manage coastal erosion and flood risk are embedded within broader flood and shoreline management legislation, with responsibilities often shared between authorities.</li> <li>• <b>Environment:</b> Environmental duties relating to adaptation are distributed across the Environment Act 2021 and biodiversity-related legislation.</li> <li>• <b>Civil/Emergency:</b> Local authorities hold duties under the Civil Contingencies Act 2004 to plan for and respond to climate-related emergencies.</li> <li>• <b>General Power:</b> The General Power of Competence (GPC) for discretionary action allows councils to go beyond mandatory duties if desired.</li> </ul>

Nation	Nature of Primary LA Adaptation Duty/Power
Scotland	<ul style="list-style-type: none"> <li>• <b>Climate Change Reporting:</b> Local authorities report on climate adaptation actions under the Climate Change (Scotland) Act 2009, which places a statutory duty on public bodies to act in the way best calculated to contribute to climate change adaptation.</li> <li>• <b>Planning:</b> The National Planning Framework 4 (NPF4), which has statutory status, requires local development plans to incorporate climate adaptation measures, ensuring that resilience to climate impacts is embedded in spatial planning.</li> <li>• <b>Flood:</b> Under the Flood Risk Management (Scotland) Act 2009, local authorities have mandatory duties to reduce flood risk. This involves working in partnership with the Scottish Environment Protection Agency (SEPA) and other bodies.</li> <li>• <b>Coastal:</b> Maritime local authorities have discretionary powers under the Coast Protection Act 1949 to carry out works to protect the coast from erosion and sea encroachment. These are permissive powers, not a legal duty to protect every part of the coastline.</li> <li>• <b>Environment:</b> The Nature Conservation (Scotland) Act 2004 places a statutory duty on councils to further the conservation of biodiversity, which is a key mechanism for building ecosystem resilience to climate change.</li> <li>• <b>Civil/Emergency:</b> Under the Civil Contingencies Act 2004 and associated Scottish regulations, councils are designated Category 1 responders. They have mandatory duties to prepare for emergencies, including those that are climate-related.</li> <li>• <b>General Powers:</b> Councils have broad powers under the Local Government in Scotland Act 2003 to advance well-being, enabling discretionary action on adaptation beyond statutory duties</li> </ul>
Wales	<ul style="list-style-type: none"> <li>• <b>Climate Change Reporting:</b> Councils report on adaptation through the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The UK Climate Change Act 2008 also provides a power for Welsh Ministers to direct them to produce formal reports.</li> <li>• <b>Planning:</b> The Well-being of Future Generations Act provides the overarching statutory duty for planning to contribute to a "Resilient Wales." This is delivered through Planning Policy Wales, which requires local development plans to include specific adaptation measures.</li> <li>• <b>Flood:</b> Councils have flood risk management duties as Lead Local Flood Authorities under the Flood and Water Management Act 2010.</li> </ul>

Nation	Nature of Primary LA Adaptation Duty/Power
	<ul style="list-style-type: none"> <li>• <b>Coastal:</b> Responsibilities for coastal erosion and flood risk via Shoreline Management Plans and the Welsh Government's national strategy.</li> <li>• <b>Environment:</b> Environmental duties include promoting biodiversity and resilience under the Environment (Wales) Act 2016 and the Well-being Act.</li> <li>• <b>Civil/Emergency:</b> Category 1 responders under the Civil Contingencies Act 2004 with statutory emergency preparedness duties.</li> <li>• <b>General Powers:</b> Eligible councils have a General Power of Competence (under the Local Government and Elections (Wales) Act 2021) and broad duties under the Well-being Act that enable discretionary adaptation actions.</li> </ul>
Northern Ireland	<ul style="list-style-type: none"> <li>• <b>Climate Change Reporting:</b> Under the Climate Change Act (NI) 2022 and subsequent 2024 regulations, district councils now have a statutory duty to prepare reports on their climate adaptation and mitigation actions, with the first report due in March 2026.</li> <li>• <b>Planning:</b> Adaptation measures are integrated through the Strategic Planning Policy Statement for Northern Ireland and local development plans, which require consideration of climate risks and resilience.</li> <li>• <b>Flood:</b> Flood risk management duties fall primarily to the Department for Infrastructure (DfI) under the Drainage (NI) Order 1973, with local councils supporting through planning and emergency response.</li> <li>• <b>Coastal:</b> The DfI has the main statutory responsibility for managing flood risk from the sea. Councils play a key role through land-use planning to control development in coastal erosion zones. They also have powers to carry out works like dune restoration or build coastal defences on land they own.</li> <li>• <b>Environment:</b> Councils have a statutory duty to further the conservation of biodiversity under the Wildlife and Natural Environment (NI) Act 2011, a key mechanism for building ecosystem resilience</li> <li>• <b>Civil/Emergency:</b> Councils are designated Category 1 responders under the Civil Contingencies Act 2004, with statutory duties for emergency preparedness, response, and recovery.</li> <li>• <b>General Powers:</b> Local authorities possess broad discretionary powers under the Local Government Act (Northern Ireland) 2014, enabling action on adaptation and well-being beyond statutory obligations.</li> </ul>

## 6.3 Conclusion

In conclusion, the governance of local climate adaptation in the UK is defined by a multi-layered and distributed framework of responsibilities. It is a system where clear duties exist within specific sectors like planning and flood risk, while broader, cross-cutting action is often enabled by discretionary powers and guided by national policy.

Looking ahead, the nature of this local adaptation framework is the subject of ongoing policy debate. National advisory bodies, including the CCC<sup>257</sup>, and representative organisations like the Local Government Association (LGA)<sup>258</sup>, have highlighted areas for potential reform. Their recommendations frequently point towards a desire for clearer statutory foundations for local adaptation, more consistent and long-term funding models, and improved coordination between central and local government and related national agencies and bodies.

A detailed evaluation of how the legislative frameworks outlined in this report function in practice, the operational challenges they present for local authorities, and the success factors that enable effective adaptation will be provided in the follow-on report.

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<sup>257</sup> [Progress in adapting to climate change: 2025 report to Parliament - Climate Change Committee](#)

<sup>258</sup> [Local government and legal responsibilities to act on climate change: An LGA open consultation | LGA](#)