

# Levelling Up and Regeneration Bill

## LORDS AMENDMENT: Environmental Outcomes

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### Currently in the Bill

Part 6 'Environmental Outcomes Reports' (EOR) of the Bill would:

- Replace EU-derived Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) regimes with single EOR framework to assess plans and project's impact on "the natural environment, cultural heritage and the landscape"
- Safeguard against non-regression of environmental standards
- Require consultation as outlined in the UK's international obligations
- Introduce requirements to consult devolved administrations on EOR regulations but does not require their consent

During Public Bill Committee Ministers implied their commitment to abide by the UK's international obligations on environmental consultation standards and the requirement to consider alternative courses of action. [The Minister confirmed](#):

*"Ultimately, the focus of EORs is the assessment of the environmental impact of relevant plans and relevant consents, which is why clause 120 refers to our international obligations relating to the assessment of the environmental impact of relevant plans and relevant consents. That ensures that relevant international obligations, such as those under the Espoo and Aarhus conventions, are properly reflected."*

### RTPI Proposal

#### Better align Environmental Outcomes Reports with the Levelling Up Missions

##### **Support amendments to Clause 138 to assess plans and projects against our climate change obligations and public health objectives critical to levelling up**

Environmental protections are defined in the Bill to include outcomes like cultural heritage and landscape but fail to account for climate outcomes (like those identified in the Environment Act) and improving human health. Both are consistent with modern definitions of sustainable development (as in the Brundtland definition) and would allow the public more and better information about how development will deliver against their community's priorities.

The RTPI believe explicit reference in primary legislation will give the public and councils assurances of this Government's commitment to a non-regression of environmental standards.

### RTPI Rationale

- Policy [documents accompanying the Bill](#) suggested that EOR are necessary so that plans and projects are "assessed against tangible environmental outcomes set by government, rather than in Brussels".
- The RTPI welcome an outcomes-focused approach and have argued that a new regime could outdo EU directives by introducing processes that are broader (covering a wider range important outcomes for the planning process) but shallower (reducing the size of – lengthy – reports, speeding up the process and requiring lower administrative burdens on LPAs).
- The bill should be improved to consider factors including:
  - **The impact of development on human health.** There is a growing body of evidence regarding health inequalities and prevention to suggest that our built and natural environment has a significant impact on the levelling up missions like healthy life expectancy and wellbeing. The Quality of Life Foundation

The RTPI encourage peers to support the improvements outlined. To arrange a briefing please contact, Senior Public Affairs Officer, Joel Cohen: [joel.cohen@rtpi.org.uk](mailto:joel.cohen@rtpi.org.uk)



# RTPI

Royal Town Planning Institute

have suggested that poor-quality housing increases your risk of severe ill health by 25%, the estimated cost of poor housing to the NHS in England is £1.4bn per year and green spaces in Great Britain provide £16.5 billion in environmental, health and amenity value per year. [Research commission by the RTPI found](#) that affordable housing delivered through planning obligations saved the NHS £240 million in 2019 and providing sufficient affordable housing could save UK households over £5bn per year.

- **The impact of development on climate change. A UK regime should be consistent with recent the UK's legislation**, international commitments and political priorities including levelling up, net zero and energy efficiency. The RTPI has consistently argued that our planning system must provide a suitable framework to meet the UK's climate and environmental commitments and the right mechanisms to check we are meeting net zero targets.
- **Ministers wrongly rejected amendments on these topics during the Commons' Public Bill Committee** – see [21<sup>st</sup> sitting](#) - on the grounds that their inclusion might displace important environmental factors. Ministers argued: "While climate change and human health will undoubtedly be important considerations in setting outcomes, it is not necessary to make more explicit reference to them in primary legislation; doing so would risk limiting the range of outcomes that can be set, and risk our suggesting that climate change and health will be considered above other environmental topics that may, in individual cases, be equally important." **This is incorrect. The equal status given to assessment areas in the RTPI's proposed amendment and significant enforcement provisions of this Bill would legally prevent the range of outcomes from being limited.**
- Ministers should also be encouraged to fulfil their commitments for the new assessment regime to review alternative courses of action (so that the public can make informed spatial choices) and maintain current standards of public consultation.

## Draft wording

Clause 138, Page 169, line 29, leave out subsection (2) and insert—

"(2) "Environmental protection" means -

- (a) protection of the natural environment, cultural heritage and the landscape from the effects of human activity;
- (b) maintenance, restoration or enhancement of the natural environment, cultural heritage or the landscape;
- (c) protection of people and their long-term health, safety and wellbeing from the effects of human activity on the natural environment, cultural heritage and the landscape;
- (d) protection of the climate from the effects of human activity;
- (e) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (d)."

**Explanatory statement: This amendment would broaden the definition of environmental protection to allow the Secretary of State to specify outcomes relating to climate change obligations and public health objectives**