

## Environmental Outcomes Report

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>30 MAY 2023</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>HEIDI MCDOUGALL, STRATEGIC DIRECTOR</b>	<b>OPEN</b>
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<b>SUBJECT:</b>	<b>THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES CONSULTATION ON ENVIRONMENTAL OUTCOMES REPORTS</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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### **1.0 Recommendations**

- 1.1 For Members to approve the submission of a response to consultation in line with officer recommendations (detailed in Appendix 1).

### **2.0 Purpose of Report**

- 2.1 To present the details of the current Department for Levelling Up, Housing and Communities consultation on Environmental Outcomes Report: a new approach to environmental assessment. To consider the implications of the proposed amendments to South Derbyshire District Council, to approve a response to the consultation (detailed in Appendix 1) and approve submission.

### **3.0 Executive Summary**

- 3.1 The consultation outlines proposed changes to that way in which environmental assessments will be undertaken in the future. This includes an ambition to make assessment more proportionate, streamline reporting, make data readily available and increase the focus on environmental issues (through the removal of social and economic factor assessments) and outcomes post development through monitoring and enforcement.
- 3.2 The new system will result in as much environmental protection as the existing system.
- 3.3 Details of the new system are limited as this is an initial consultation with further consultation expected to follow.
- 3.4 The key concern of the Council response relates to the need to properly finance any additional burdens that may be passed to the Council as a result of any changes to the system.

## 4.0 Detail

- 4.1 The Levelling-up and Regeneration Bill was published in May 2022, it is currently passing through parliament. Through the Levelling Up and Regeneration Bill, the government is seeking to secure the necessary powers to replace the current processes set out in EIA and SEA Directives with a new system of Environmental Outcomes Reports (EORs). These reforms aim to ensure the importance and rigour of environmental assessment is retained whilst delivering better environmental outcomes. The government are consulting on reforms to environmental assessments. The consultation was published on the 17 March 2023 and runs until 9 June 2023.
- 4.2 Formal environmental assessment has been required in the UK since the 1980s but the overall effectiveness of these processes has been questioned insofar as managing environmental impacts.
- 4.3 Through the Environment Act 2021 the government set a clear commitment to clean up the country's air, restore natural habitats, increase biodiversity and halt the decline in species by 2030. The consultation seeks views on the opportunity to create an improved framework of environmental assessment which properly reflects the country's needs and unique environmental characteristics.
- 4.4 The new system of environmental assessment (EORs) aims to provide a streamlined system that emphasises greater focus on achieving environmental ambitions using more consistent data and focussed on measuring environmental effects.
- 4.5 It is expected that standards are maintained and clause 142 (Safeguards: non-regression, international obligations and public engagement) of the Bill enshrines the commitment to non-regression in law and commits that the new system results in as much overall environmental protection as the current approach.
- 4.6 The introduction of outcomes-based approach to the EORs aims to provide a greater capacity for the government to reflect its environmental priorities directly into plan-making and decision-making process on the largest developments.

The aim of the changes to the system are:

- In the screening stage of reports, clear criteria is to be provided to reduce need for screening in most instances. The scoping element is to involve agreed outcomes which will require less lengthy scoping exercises. Scoping outcomes can be scoped out early in the process, based on a desktop analysis of accessible, current, and reliable data. Clarity regarding what is assessed at strategic and project levels will be provided.
- In the assessment stage of plan and project making, assessment against outcomes supported by approved indicators will ensure the process articulates how the development is contributing to the government's environmental ambitions. An assessment requirement to apply the mitigation hierarchy in the design and development of the plan or project as well as greater clarity about what reasonable alternatives should be considered, and how will be proposed.
- In the overall reporting stage, reporting against agreed outcomes will allow for concise summaries that conclude relevant sections in supporting technical analysis. The findings of the technical analyses will be more accessible, making them of tangible utility to decision makers and data users.

- In terms of the monitoring and remediation stage, enhanced requirements will better address uncertainty and post-implementation issues. This aims to improve best practice and will be reinforced by stronger enforcement of mitigations and remedial actions. Data produced in the analysis will be stored and inform future assessments more widely through a move from a document-based system towards interactive information, use of common data standards, and the increased data accessibility requirements.
- The performance reporting stage will involve agreed reporting requirements to support the understanding of the environment and the impact of development.

4.7 The consultation consists of 26 questions and in general terms the Council are supportive of the aims and ambitions of the new system. However, at the current time there is limited information regarding the detail of the new system which limits the ability of the Council to respond in detail. Of key concern running throughout the Council's response is the impact of changes and additional responsibilities creating additional burden on Council resources. It is key that any additional responsibility or burden is fully funded (by whatever mechanism necessary) to ensure that the cost is not passed to the Council and where necessary additional training and support is provided to the Council to ensure that we have the resources to discharge any new responsibilities.

4.8 Further consultation is expected to be carried out by the government to design and develop the detail of the new system which will be delivered through secondary legislation and so the Council will have the opportunity to comment further.

## **5.0 Financial Implications**

5.1 None directly arising from this report.

## **6.0 Corporate Implications**

### Employment Implications

6.1 None directly arising from this report.

### Legal Implications

6.2 None directly arising from this report.

### Corporate Plan Implications

6.3 The Council's response to the consultation subsequent influence over changes to environmental assessments has the potential to assist the Council achieve better environmental outcomes from development.

### Risk Impact

6.4 None directly arising from this report.

## **7.0 Community Implications**

### Consultation

7.1 None.

### Equality and Diversity Impact

7.2 None directly arising from this report.

### Social Value Impact

7.3 None directly arising from this report.

### Environmental Sustainability

7.4 The Council's response to the consultation subsequent influence over changes to environmental assessments has the potential to assist the Council achieve better environmental outcomes from development.

## **8.0 Conclusions**

8.1 A response in line with the officer recommendations detailed in Appendix 1 should be submitted to the Department for Levelling Up, Housing and Communities consultation on reforms to environmental assessments.

## **9.0 Background Papers**

APPENDIX 1: Consultation Questions and proposed Council response.

### **Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).