

Levelling-Up & Regeneration Bill

Briefing Paper, June 2022

This is a briefing paper on the UK Government's Levelling-Up & Regeneration Bill and the consequences for Environmental Impact Assessments. The paper is intended for IES members and our EIA Community, to encourage awareness of recent policy development and their likely consequences for the profession, and to identify opportunities to engage with decision makers and the public on emerging issues linked to environmental assessments.

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What is the Levelling-Up & Regeneration Bill?

Since 2016, the UK Government has made clear that it intends to reform Environmental Impact Assessments in England. The [‘Planning for the Future’ white paper](#) in August 2020 suggested moving to “a quicker, simpler framework”, with the existing system characterised as [slow, inefficient, and overly-demanding](#) on planning processes. Instead, the Government has stated its intention to create a system which is more dynamic and modern.

With the announcement of the Government's upcoming legislative plans in the Queen's Speech, the [Levelling-Up and Regeneration Bill](#) (LURB) has given us the first substantive insights into what we should expect for those reforms.

The Bill is designed to address the [Government's ‘levelling-up’ agenda](#) and to reduce geographical, economic, social and health inequalities between different parts of the United Kingdom. While many of the issues addressed in the Bill are devolved matters, the Government has [sought consent](#) for the Bill's provisions to apply beyond England. The House of Commons Library has produced a [full briefing paper](#) on the Bill's legislative context.

If consent is not approved for the Bill to apply in the devolved nations, information about how environmental assessments will continue to operate outside England is available for [Scotland](#), [Wales](#), and [Northern Ireland](#).

What does the Bill mean for Environmental Impact Assessment?

[Environmental Impact Assessments](#) (and [Strategic Environmental Assessments](#)) will be replaced by a system of Environmental Outcomes Reports (EORs) under the proposed framework. This has the potential to represent a significant transformation of the role environmental assessments play in planning.

Many questions remain unanswered in the provisions of the Bill, as a significant degree of autonomy is provided to the Secretary of State in specifying outcomes that the proposed system will seek to address.

One change that is clear from the Bill already is the Government's shift of focus away from addressing environmental harms to securing environmental outcomes, following similar shifts in the [Environmental Principles Policy Statement](#) and the [DfE's Sustainability and Climate Change Strategy](#).

The proposed approach to EORs is that:

- The Secretary of State will set 'specified environmental outcomes' which must be assessed against during relevant consents and plans.
- These environmental outcomes should be set to align with the Government's Environment Improvement Plan and long-term legally binding environmental targets (and their interim targets).
- For relevant consents and plans, an EOR will be required, or consent may not be granted.
- The EOR will measure anticipated environmental effects of the plan against the specified outcomes, identifying suitable steps to (a) increase the extent of an outcome being delivered (b) avoid the effects of not delivering an outcome (c) mitigate unavoidable effects of not delivering an outcome (d) remedy the effects of not delivering an outcome which cannot be mitigated and (e) compensate for the effects of not delivering an outcome which cannot be remedied.
- The EOR will be considered during the process for approving the relevant consent or plan.

Though the Bill and its [explanatory notes](#) provide more details about what to expect, some information will not be clear until the Secretary of State indicates which outcomes will be specified and the exact consenting scenarios where EORs will apply.

Despite this ambiguity, the Government is under a [limited obligation to ensure non-regression](#) on environmental protections following the UK's exit from the European Union, as set out in Article 391 of the [EU-UK Trade and Cooperation Agreement](#). In practice, this is a more complicated issue, and the question of non-regression may depend on how the Bill is implemented.

In an [evidence session](#) hosted by the House of Commons Levelling-Up, Housing and Communities Committee, the Secretary of State provided some early insights into the Government's ambitions, though he did not outline plans for how the EORs framework will be implemented in practice. The Secretary of State highlighted the unpopularity of 'growth zones' under plans set out in the White Paper, while suggesting that compulsory purchases would be a key avenue to assemble brownfield land for regeneration.

This supports evidence of the Government's desire for a locally-controlled regime of development, with streamlined processes for nationally-significant infrastructure and key projects such as offshore wind, where ministers have feared that excessive 'process' will act as a barrier to growth. The full ramifications for environmental assessments remain uncertain.

How can environmental professionals influence the Bill?

As the Levelling-Up and Regeneration Bill is already being considered in Parliament, there is not likely to be a formal consultation process before it enters law. Instead, professionals looking to influence the legislation are left with a handful of options:

- Get in touch with a Member of Parliament – you can [contact your local MP](#) and share your views, though many MPs will vote on legislation in accordance with their political party's view.
- The IES also regularly meets with MPs to brief them on environmental topics, informing debate and encouraging parties to adopt opinions which are informed by science and evidence. [Let us know](#) if you are interested in finding out more.
- When the Bill is being debated in the House of Lords, you can also [contact members of the House of Lords](#) to share your views, though they are not as likely to respond as your elected representative.
- During the Parliamentary process, a sub-Committee of MPs will consider the Bill more thoroughly (further details of which are provided below). On occasions, these Bill Committees may receive written evidence from experts or members of the public, and there may be a call to engage, though this is not always the case.
- Other organisations may seek to engage with political parties and elected representatives, either to amend or influence the Bill. The IES collaborates with many of these organisations and looks for ways to feed in the views of our members. [Let us know](#) if you are interested in finding out more.

While there are several opportunities to engage during the process, the ability to make substantial changes to legislation is often limited, as the Government party controls a majority of MPs and is typically able to influence them to vote in accordance with its wishes. For that reason, there are some limitations on the extent to which influencing the process will produce the desired outcomes.

Once the Bill is in law, there may still be opportunities for positive engagement by the environmental profession. The IES maintains a dialogue with key Government departments and elected representatives, sharing the perspectives of our members and informing decision-making. Members who want to directly share their expertise also have some additional options:

- While the Bill itself is not subject to public consultation, there may be opportunities for direct engagement with the Government's position. [The Bill](#) notes that the Secretary of State's decision on specified environmental outcomes will be subject to public consultation, and this is likely to be a key period of engagement on the substance of the future framework. The IES will submit a response to this consultation, informed by our EIA Community. There may also be further consultations, particularly with experts on technical issues of regulation, including for specific consents and plans.
- Join the [IES EIA Community](#), which has been engaged in considerations about the future of EIA for the past 2 years and holds relevant discussions on EIA.
- [Let us know](#) if you are interested in opportunities to develop your skills on policy and related issues, as the IES will begin a new course of policy training later in 2022.

If you have any suggestions for how the IES and other members can engage in these crucial conversations, please [get in touch](#).

What will happen next?

Debates have [already begun](#) in the House of Commons to scrutinise the Bill, and the complex political situation currently facing the Government may prolong or delay the conclusion of those discussions. Regardless, if it is to become law, the Bill will need to pass through the following process:

- It has already been formally presented to the House of Commons at its 'First Reading';
- An initial debate, the 'Second Reading', has been held where the general issues of the Bill were discussed and debated;
- A sub-Committee of MPs will now consider the finer aspects of the Bill in detail, proposing and discussing amendments, then reporting back to the House of Commons as a whole;
- A final debate will then take place; the 'Third Reading', where votes are held on amendments and on approving or rejecting the Bill;
- If approved, the House of Lords will complete the same process, and if both Houses agree to approve the same version of the Bill, it passes into law with the Monarch's approval.

Even after that process is completed, the full details of the new framework may remain unclear. The Secretary of State's decision on what constitutes specified environmental outcomes and relevant consents will be critical to the success or failure of the new framework, so the IES will continue to provide further information to members as more details emerge.

Our [EIA community](#) has risen to the challenge of contemplating the nuances and technical demands of EIA's future, bringing together expertise from different professionals and backgrounds. In the coming months, as the debate in Parliament continues and more details emerge about the Government's vision for the future of environmental impact assessments, our community will release its own thought leadership on the future of EIA.

Find out more about influencing Government decisions

Our member briefing note: '[Influencing the UK Parliament](#)', first published in 2011 and most recently re-issued in 2021, provides an overview of some of the ways that environmental professionals can influence Parliament and legislation.

In the UK, many issues of environmental policy are devolved to national administrations. If you live in Scotland, you can [contact your Member of Scottish Parliament](#) or [learn more](#) about influencing Scottish legislation. If you live in Wales, you can [contact your Member of Senedd Cymru](#) or learn more about the [business of the Senedd](#). If you live in Northern Ireland, you can [contact your local Member of the Legislative Assembly](#) or learn more about the [Assembly's work](#).