

# Legislative consent memorandum on the Levelling-up and Regeneration Bill (UK Parliament legislation)

## Submission from Scottish Renewables to the Scottish Parliament Net Zero, Energy and Transport Committee

Industry has identified the following observations and concerns that should be considered and addressed with regards to Environmental Outcomes Reports as part of the scrutiny of the House of Commons' Levelling-up and Regeneration Bill Legislative Consent Memorandum.

- Industry is concerned about the proposed environmental assessment reforms due to a lack of justification and evidence base to support the proposals, potential negative impacts on devolved administrations, and the potential for uncertainty and delays in decision-making.
- The Bill proposes to replace the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) regime with a new system of environmental assessment: Environmental Outcomes Reports (EORs). The Bill allows the Secretary of State (SoS) to make regulations to set “specified environmental outcomes” against which consents and plans will be assessed, and to repeal/amend existing environmental assessment legislation.
- The EIA and SEA regimes are long-established and internationally recognised forms of environmental assessment, supported with detailed regulations and guidance. Beyond a stated intention of making environmental assessment clearer and simpler, the Bill and the supporting information provide no justification for why these reforms are required nor how they will result in a streamlined assessment process.
- The UK devolved administrations utilise the EIA and SEA regimes. The Bill commits the SoS to consult devolved administrations before making EOR Regulations. It is essential that robust, inclusive and transparent consultation is undertaken to ensure any forthcoming EOR Regulations avoid introducing inconsistencies and complications in assessment processes throughout the UK.
- Environmental assessment is a crucial element of proposals for renewable energy developments. Given the climate emergency and the need for urgent action to decarbonise the energy system, it is essential that any reforms to environmental assessment avoid introducing uncertainties and delays in decision-making.
- We also note that the proposed reforms are focussed on achieving better environmental outcomes. The UK Government has consulted separately on other related environmental reforms, including Habitats Regulations Assessments (HRAs), protected sites and species, and biodiversity net gain. The overlaps and implications of these related reforms with the ambitions of the Bill are unclear.

- Rather than progressing with the reforms proposed in the Bill, a focus on targeted improvements to the existing environmental assessment regime, with a move towards more proportionate EIA would be more effective.

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