

Invitation to submit written evidence to the Scottish Parliament Net Zero, Energy and Transport Committee

Question:

What are your views on proposals in the UK Levelling-up and Regeneration Bill in relation to environmental law; and specifically in relation to provisions to give the UK Government new powers to create Environmental Outcome Reports, which would be applicable in Scotland.

HOPS note that the Bill itself is high level and key aspects will follow in subsequent regulations, therefore it may be too early to comment in detail. We however wish to note the following points:

- HOPS support the commitment to non-regression; we note the overall similarities with the proposed bill and current Environmental Impact Assessments (EIA). We need to ask the question if a fundamental redrawing of regulations is the best outcome, could the positive aspects of this Bill be applied through Direction and/or re-writing the EIA Circular to ensure that we are taking a more proportionate and outcomes focused approach. Given the current climate and biodiversity crisis there may also be a case for raising the required standards.
- The Bill commits to maintaining the obligations under the Aarhus and Espoo Conventions. HOPS welcome this commitment to environmental protection which allows for public comment.
- However, we note that one of the key principles is the need for projects to somehow be tested against outcomes that are derived nationally – set by the Government’s ‘environmental improvement plan’. This presumably gives flexibility for any Government to amend the plan and therefore dictate to an extent the outcomes. There could be greater weight given to certain aspects over others.
- The need for prescription of information to achieve a consistency stated in section 117 is welcomed. However, it all depends upon the quality and appropriateness of the methodology and we would welcome further detail on this section.
- The potential implications of section 118 are of concern, if this could give the Outcomes Report the ability to grant a consent. How this interacts with plan allocation and Strategic Environmental Assessments needs further clarity.
- However, the project basis set out in section 118 has merit. This may make frontload the work and define parameters. There may also be a knock-on effect of more streamlined reporting.
- The emphasis on monitoring introduced in section 119 is welcomed. We would want to see detail on how this may interact with nationally set targets and outcomes.
- Significantly more information is needed on the requirements for devolved nations in section 121. There is concern of having differing systems for work across borders.

HOPS would be keen to be involved in any future development work in this Bill given the impact it may have on Scottish Planning Authorities. HOPS also work closely with the Scottish Government, Key Agencies Group and the Royal Town Planning Institute and note these bodies may be useful collaborators.

Submitted on behalf of
Jim Miller, Heads of Planning Scotland Chair